

0402

**BOX:**

221

**FOLDER:**

2174

**DESCRIPTION:**

Wagner, Charles

**DATE:**

05/21/86



2174

244

Counsel,

Filed 21 day of May 1886

Pleas, Substantive.

THE PEOPLE

vs.

R

Charles Wagner

W.

Charles

for

[Sections 408, 506, 528, 530, 550]  
Burglary in the second Degree.  
Criminal Code, § 408.

RANDOLPH B. MARTINE,

Pr. Pleas by District Attorney.

Yerkes, Adm.

A True Bill.

Arthur Van Kessel

Foreman

J. J. G. Moore

Ed

Inducted W. H. H.

Off. Edgar J. Hannon

Central Office

Sept. 1886

Inducted by Office

Spec. Her

R

244

Counsel,

Filed 21 day of May, 1888

Pleas: Voluntary.

THE PEOPLE

vs.

Charles Wagner

W.

Chas

John

RANDOLPH E. MARTINE

Pr. Shaw by 86 District Attorney.

Heads R. H.

A True Bill.

Arthur Van Hensselaar

Foreman

J. J. G. M. P.

FD

Witnesses:

Judith W. Budd

Off. Edgar J. Hanson

Central Office

Rept. Currier

a Sanitary Office

after this

FD

Police Court— 2 District.

City and County } ss.:  
of New York,

of No. 145.6.78 Frederick W Budd Street, aged 27 years,  
occupation Salesman being duly sworn

deposes and says, that the premises No 145.6.78 Street,  
in the City and County aforesaid, the said being a three story and basement  
brick house in the 19th ward  
and which was occupied by deponent as a dwelling house

and in which there was at the time several human beings by name Mrs Dimock Mrs  
Budd. deponent and his servant Mary Kelly  
were BURGLARIOUSLY entered by means of forcibly breaking the  
lock of the outside back basement door leading  
from the rear yard into a small room, and  
breaking the panel of the door leading from said small  
room into the kitchen, and putting his hand in and unlocking said door  
on the 10th day of May 1886 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

One music box one lamp and  
one a brace. all of the value of about  
one hundred and fifty dollars

the property of Mrs E Dimock and deponent and all  
in deponent's care and custody  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

Charles Wagner (now here)  
for the reasons following, to wit: that at about the hour of  
11 O'clock P.M. on the night of Sunday May  
9th. 1886. deponent's servant secured  
locked and fastened said premises  
and the family retired. And on the following  
morning May 10th 1886. deponent was informed  
that the house had been broken into, and on  
going into the kitchen deponent discovered  
that the doors had been broken open as aforesaid



And deponent has been informed by Henry A. Abrahams of No 87 Park Row. that on the 11<sup>th</sup> day of May 1886. he the defendant pledged the aforesaid bango. with him the said Henry A. Abrahams for the sum of two dollars. Deponent has since seen said bango and fully identifies it as his property. And deponent is further informed by Edgar S. Slanson detective Sergeant of No 300 Mulberry that the defendant has admitted to him Slanson that he had pledged the bango and music box. Wherefore deponent charges the said defendant with burglariously entering the aforesaid premises and feloniously taking, stealing and carrying away the aforesaid property and prays he may be held and dealt with according to law.

Frederick W. Budd

Sworn to before me  
this 17<sup>th</sup> day of May 1886

Harbuck

Police Institute

Police Court \_\_\_\_\_ District.

---

---

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Burglary Degree

Dated \_\_\_\_\_ 188.

Magistrate.

Officer.

Clerk.

Witnesses :

Committed in default of \$ \_\_\_\_\_ Bail.

Bailed by \_\_\_\_\_

No. \_\_\_\_\_ Street.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Henry Abrahams  
aged 28 years, occupation Painter of No.

87 Park Row Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Fred W. Budd  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 17 day of May 1886 Henry Abrahams

Police Justice.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Edgar S. Sanson  
aged 37 years, occupation Detective Sergeant of No.

300 Mulberry Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Fred W. Budd

and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 17 day of May 1886 Edgar S. Sanson

Police Justice.

POOR QUALITY  
ORIGINAL

0402

Sec. 198—200.

2

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss

*Charles Wagner* being duly examined before the under-  
signed, according to law, on the annexed charge: and being informed that it is h *5* right to  
make a statement in relation to the charge against h *in*; that the statement is designed to  
enable h *in* if he see fit to answer the charge and explain the facts alleged against h *in*,  
that he is at liberty to waive making a statement, and that h *5* waiver cannot be used  
against h *in* on the trial.

Question What is your name?

Answer

*Charles Wagner*

Question How old are you?

Answer

*25 years old*

Question Where were you born?

Answer

*Germany*

Question Where do you live, and how long have you resided there?

Answer

*Chatham Sh*

Question What is your business or profession?

Answer

*Foramen*

Question Give any explanation you may think proper of the circumstances appearing in the  
testimony against you, and state any facts which you think will tend to your  
exculpation?

Answer

*I am not guilty*

*Charles Wagner*

Taken before me this

day of

*May*

188

*W. J. Smith*

Police Justice.

POOR QUALITY  
ORIGINAL

0400

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court-2 District. 711

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Thos. W. Budd

145 East 75th St

Charles Wagner

2

3

4

5

Dated May 17 1886

W. H. H. H.

Magistrate.

Edgar A. Mearns

Central Office

Witness Henry Abraham

No. 87 Park Row

Edgar A. Mearns

No. Central Office

Mary Kelly

No. 145 East 75th St

No. 2170

Charles Wagner

Enc

appearing to me of the within depositions and etc. sends that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

defendant

guilty thereof. I order that he be held to answer the same and he be admitted to bail in the sum of Hundred Dollars and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated May 17 1886 Police Justice.

I have admitted the above-named to bail to answer by the undertaking hereto annexed.

Dated 1886 Police Justice.

There being no sufficient cause to believe the within named guilty of the offence within mentioned, I order h to be discharged.

Dated 1886 Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Charles Wagner*

The Grand Jury of the City and County of New York, by this indictment, accuse

*Charles Wagner*

of the CRIME OF BURGLARY IN THE *second* DEGREE, committed as follows:

The said *Charles Wagner*.

late of the *Nineteenth* Ward of the City of New York, in the County of New York  
aforesaid, on the *Tenth* day of *May*, in the year  
of our Lord one thousand eight hundred and eighty-*nine*, with force and arms, about the  
hour of *Twelve* o'clock in the *night* time of the same day, at the Ward,  
City and County aforesaid, the dwelling house of one

*Fredrick W. Budd.*

there situate, feloniously and burglariously did break into and enter, there being then and there some  
human being, to wit: *The said Fredrick W. Budd.*

within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels  
and personal property of the said *Fredrick W. Budd.*

in the said dwelling house then and there being, then and there feloniously and burglariously to steal,  
take and carry away

against the form of the statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity,

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*Charles Wagner* —

of the CRIME OF GRAND LARCENY IN THE *first* DEGREE, committed as follows :

The said *Charles Wagner*.

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the *night* time of the said day, with force and arms,

*one music box of the value of*  
*thirty-five dollars, one ring of*  
*the value of twenty-five dollars,*  
*and silver articles of ornament and*  
*jewelry, to-wit, as a number and*  
*description to the Grand Jury*  
*aforesaid unknown, of the value of*  
*one hundred dollars.*

of the goods, chattels and personal property of, one

*Fredricka W. Budd* —

in the dwelling house of the said —

*Fredricka W. Budd* —

there situate, then and there being found, from the dwelling house aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*Charles Wagner* —

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Charles Wagner*.

late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms,

*one having of the value of Twenty*

*five dollars.*

of the goods, chattels and personal property of one

*Frederick W. Budd.* —

by a certain ~~person~~ or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

*Frederick W. Budd.* —

unlawfully and unjustly, did feloniously receive and have; the said

*Charles Wagner.* —

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

**RANDOLPH B. MARTINE,**

District Attorney.

04 13

**BOX:**

221

**FOLDER:**

2174

**DESCRIPTION:**

Walker, James

**DATE:**

05/05/86



2174



POOR QUALITY  
ORIGINAL

0414

28

Counsel,  
Filed *X* day of *May* 188*6*  
Pleads, *M. L. L. M.*

THE PEOPLE  
vs.  
*James Walker*  
*if found*  
*it will*  
*cost*

RANDOLPH B. MARTINE,  
District Attorney.  
*Pr May 14/88*  
*pleads B. May 3, 24.*  
A True Bill.

*Porter Van Henssler*  
Foreman

*J. H. L. M.*  
*24*

Witnesses:  
*Amie Truby*

*Off. Matthew M. L. M.*  
*24th June*

*See for spec*

*24*  
*Depth for quantity*  
*Gravities -*

POOR QUALITY  
ORIGINAL

04 19

Police Court—5 District.

City and County  
of New York,

ss.:

of No. 117 West 123<sup>d</sup> Street, aged 47 years,  
occupation carver

deposes and says, that the premises No. 117 West 123<sup>d</sup> Street,

in the City and County aforesaid, the said being a frame dwelling

house — and which was occupied by deponent as a dwelling

and in which there was at the time a human being, by name Matilda

Keller —

were BURGLARIOUSLY entered by means of forcibly opening the

second story window leading from  
the roof of the building in front of  
the premises —

on the 1<sup>st</sup> day of May 1886 in the night time, and the

following property feloniously taken, stolen, and carried away, viz:

Gold and lawful money of the United States  
value to the amount of one hundred and  
seventy dollars - Two Cloth Coats - One Shawl - One Vest  
and one pair of trousers - together of the value  
of one hundred and twenty one dollar -

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

James Walker - (nowhere)

for the reasons following, to wit:

That at or about the hour  
of one o'clock P.M. on said date  
deponent discovered that the said  
premises had been entered and  
property taken and carried away -  
That deponent saw the said Walker  
run along the roof of the building in front  
of said premises and jump into a

POOR QUALITY  
ORIGINAL

04 18

vacant lot next to said premises  
that defendant in company with other  
seized the said Walker and gave  
him in charge of a Policeman. That  
defendant was present in the West  
126<sup>th</sup> St. Police Station house and  
saw the said Walker search and  
fully identifies the money and  
cray. found on the person of  
the said Walker as a portion of the  
property which had been taken from  
and carried away from defendant's  
premises - and that the remainder  
of the stolen property was found on  
the said roof. Defendant therefore  
prays that the said defendant may  
be dealt with as the law directs.

Given before me -  
this 2<sup>d</sup> day of May, 1886

Adam Keller  
Justice of the Peace

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Burglary  
Dated 188  
Magistrate.  
Officer.  
Clerk.  
Witnesses:  
Committed in default of \$  
Bailed by  
No. Street.

POOR QUALITY  
ORIGINAL

04-1

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK.

*James Walker* being duly examined before the under-  
signed, according to law, on the annexed charge: and being informed that it is *h* right to  
make a statement in relation to the charge against *h*; that the statement is designed to  
enable *h* if he see fit to answer the charge and explain the facts alleged against *h*  
that he is at liberty to waive making a statement, and that *h* waiver cannot be used  
against *h* on the trial.

Question What is your name?

Answer

Question How old are you?

Answer

Question Where were you born?

Answer

Question Where do you live, and how long have you resided there?

Answer

Question What is your business or profession?

Answer

Question Give any explanation you may think proper of the circumstances appearing in the  
testimony against you, and state any facts which you think will tend to your  
exculpation?

Answer

*I am guilty of entering  
the premises*  
*James Walker*

Taken before me this

day of

188

Police Justice.

POOR QUALITY  
ORIGINAL

0418

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court-- District 1

THE PEOPLE &c.,

ON THE COMPLAINT OF

James Walker  
117 West 123rd St  
New York City

Offence Burglary

2  
3  
4

Dated May 2 1886

Magistrate

Officer

Witness

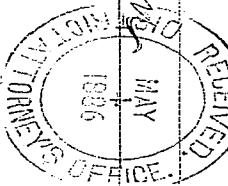
No. 117 West 123rd St

James Walker

No. 117 West 123rd St

Committed to answer

Committed to answer



It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

James Walker

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ~~Hundred Dollars~~ <sup>Twenty Dollars</sup>, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated May 2 1886 *W. A. [Signature]* Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named

\_\_\_\_\_ guilty of the offence within mentioned, I order he to be discharged.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*James Waller*

The Grand Jury of the City and County of New York, by this indictment, accuse

*James Waller*

of the CRIME OF BURGLARY IN THE ~~second~~ DEGREE, committed as follows:

The said *James Waller,*

late of the *Smethway* Ward of the City of New York, in the County of New York aforesaid, on the *third* day of *May*, in the year of our Lord one thousand eight hundred and eighty-*nine*, with force and arms, about the hour of *nine* o'clock in the *night* time of the same day, at the Ward, City and County aforesaid, the dwelling house of one

*Adam Heller.*

there situate, feloniously and burglariously did break into and enter, there being then and there some human being, to wit: *one Matilda Heller,*

within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said *Adam Heller.*

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away.

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity,

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*James Waller*  
of the CRIME OF GRAND LARCENY IN THE *first* DEGREE, committed as follows :

The said *James Waller*.

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
at the Ward, City and County aforesaid, in the *night* time of the said day, with force and arms,

*Two coats of the value of twenty  
dollars each, one shawl of the value  
of twenty dollars, one neck of  
the value of seven dollars, one sash  
of the value of twenty dollars, and  
the sum of twenty six dollars in  
money, of the value of twenty six  
dollars,*

of the goods, chattels and personal property of one *Adam Keller*,

in the dwelling house of the said *Adam Keller*,

there situate, then and there being found, from the dwelling house aforesaid, then and there feloniously  
did steal, take and carry away, against the form of the statute in such case made and provided, and  
against the peace of the People of the State of New York and their dignity.

*Randolph B. Martin,*  
*District Attorney*

042

BOX:

221

FOLDER:

2174

DESCRIPTION:

Wallace, Eliza

DATE:

05/10/86



2174



Witnesses:

~~Eliza Wallace~~  
Charles D. Jannett

Upon the certificate of Drs  
E. A. Jones of 809 E. 4th St. New York  
& John G. Jones of 126 4th St. X  
E. J. Ward of 128 W. 130th St.  
I recommend dismissal  
of this indictment -  
May 13/87

V. M. Davis  
District Attorney

Counsel,

Filed 10 day of May 1886,  
Pleads *Not Guilty*

THE PEOPLE

vs.

*Eliza Wallace*

*aka 71*

PETIT LARCENY.  
[Sections 528, 532, Penal Code].

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

May 13/87

V. M. Davis  
District Attorney

Part II May 13/87.

Indictment dismissed.

Police Court

District.

Affidavit—Larceny.

City and County } ss.:  
of New York,of No. 341 & 349 6<sup>th</sup> St Street, aged 24 years,  
occupation Barkeeper being duly sworndeposes and says, that on the 26 day of April 1888 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property viz:

One black  
Silk Umbrella of the  
value of two dollars and seventy  
five cents, one pair of stockings  
of the value of twenty five cents  
and one bottle of Peppermint of the  
value of twenty five cents all  
of the total value of \$3.75

Three dollars and seventy five  
the property of Frank O'Neil and Co. in  
deponent's care and charge

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by Elizabeth Wallace (now

here) for the following reasons,  
at about 5 o'clock A.M. on the  
day and date above, deponent  
saw said defendant, take, steal  
and carry away said property  
from the counter, in charge of  
deponent; that he then followed  
her, charged her with the theft,  
she confessed to and admitted it,  
and deponent caused her arrest  
wherefore deponent prays that  
said defendant (Wallace) be  
dealt with as the Law directs  
Charles D. Saunders

Subscribed before me, this  
day of April 1888

W. J. Wray

Police Justice.

0424

Sec. 198-200

CITY AND COUNTY  
OF NEW YORK, ss

2 District Police Court.

*Eliabeth Wallace* being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is *her* right to make a statement in relation to the charge against *her*; that the statement is designed to enable *her* if *she* see fit to answer the charge and explain the facts alleged against *her* that *she* is at liberty to waive making a statement, and that *her* waiver cannot be used against *her* on the trial.

Question What is your name?

Answer

Question How old are you?

Answer

Question Where were you born?

Answer

Question Where do you live, and how long have you resided there?

Answer

Question What is your business or profession?

Answer

Question Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer

*I am not guilty and demand a trial by*

*jury*

*Eliabeth Wallace*

Taken before me this

day of *April* 188

*W. J. Brown*  
Police Justice.

0425

For the 5  
2 PM. 1887  
defendant named  
- Henry J. Smith

BAILED,  
No. 1, by Stephen North, Jr.  
Residence City Hall  
No. 1, by Elyse Wallace  
Residence 158 E. 107  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_

Police Court District. 617

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Stephen North, Jr.  
Elyse Wallace  
32 E. 397  
60 E. 397

Offence

Dated April 17 188

Magistrate

Officer

Witnesses

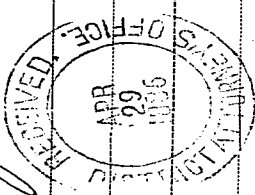
No. \_\_\_\_\_ Street \_\_\_\_\_

No. \_\_\_\_\_ Street \_\_\_\_\_

No. \_\_\_\_\_ Street \_\_\_\_\_

No. \_\_\_\_\_ Street \_\_\_\_\_

to answer  
Bail



It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of one Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated April 17 188 Magistrate Police Justice.

I have admitted the above-named Defendant to bail to answer by the undertaking hereto annexed.

Dated April 28 188 Magistrate Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_ guilty of the offence within mentioned, I order he to be discharged.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

District Attorney's Office.

PEOPLE

vs.

*Elijah Wallace*  
*P.L. Insanity*

*Do not put this*  
*case on calendar*  
*until further*  
*direction*

*May 3/87 / B.M.*  
*To Mr Parker*  
*Friday*  
*May 13 / 1887*  
*Cal. 3.*

0427

The People  
 VS  
Eliya Wallace

I hereby certify that I have known Mrs. Wallace of 156 East 107th St, for the last ten years, and that I have been her medical attendant for most of that time; and, that the said Mrs. Wallace, on and before April 26th 1886, and for some time, had been suffering from, and was suffering from a mild form of Dementia, characterized by loss of memory, even to the extent of forgetting her own identity. I further certify, that the said Mrs. Wallace was not during April 1886, responsible for her acts. This mental condition of Mrs. Wallace is, I believe, due to long solitude for, and nursing of her husband, who has been a paralytic for years.

J J Jones M D  
 Subscribed & Sworn to before me this 12th day  
 of April 1887  
 Marcus Beach  
 Notary Public 257  
 N.Y.C.

POOR QUALITY  
ORIGINAL

0428

EDGAR T. WEED, M. D.,  
125 W. 130TH ST.,  
N. Y.

Hon. Randolph B. Maclure

Dear Sir

Mrs. Eliza Hullece

act about 50, residing at No 150 E 10th St.,  
was examined by me Monday April 25th 1887.

She is suffering from Dementia  
which has lasted as far as can be  
ascertained for a period of about  
three (3) years, and in her present  
condition is mentally unfit to make  
a proper defense.

The symptoms which evidence  
her condition are - Melancholia,  
Mental weakness, indifference and  
forgetfulness about her condition and  
surroundings, - Shifting, unsteady move-  
ments of eyes - She does not consider  
herself of unsound mind but thinks  
show about her and especially her

POOR QUALITY  
ORIGINAL

0429

EDGAR T. WEED, M. D.,  
128 W. 130TH ST.,  
N. Y.

Husband to be of unsound mind.  
There exists an excellent family  
history of lack of mental balance  
one brother dying in an asylum  
while she has a sister who was  
known as "crazy"

Besides heredity there exists  
important factors which were at  
work to cause loss of mental  
balance, such as loss of money  
& property and at same time  
paralysis of husband who  
became a complete invalid

Yours sincerely

Edgar T. Weed, M.D.

April 28<sup>th</sup> 1907



POOR QUALITY  
ORIGINAL

0430

J. C. Truax, M. D.  
17 East 127<sup>th</sup> Street.

New York Apr 27<sup>th</sup> /87  
Hon Randolph B. Martin  
Dear Sir

On the 25<sup>th</sup> of  
April /87 I inquired into the mental  
condition of Eliza Wallace of  
150 E 107<sup>th</sup> St.

She is now suffering from that  
form of insanity called melan-  
cholia; the melancholy is of  
the emotional kind.

She could not now understand  
the nature of a trial or make a  
proper defense.

I have inquired very particularly  
as to what was the condition of  
her mind a year ago.

POOR QUALITY  
ORIGINAL

0431

J. G. Truax, M.D.  
17 East 127<sup>th</sup> Street.

learned that she was very  
absent minded. She had on  
two occasions got up in the middle  
of the night and dressed herself  
to go to market. There has been  
a great strain upon her mind  
and body for the past nine years.  
Sufficient to cause the disease  
with which she is affected at  
this time. There is also a family  
history of insanity. From the  
manner in which she took the things  
at Q Vils, I do not believe she  
was conscious of what she was  
doing.

Yours sincerely,  
J. G. Truax, M.D.  
17 E 127<sup>th</sup> St.

POOR QUALITY  
ORIGINAL

0432

Court of General Sessions, Part *Two*

THE PEOPLE

INDICTMENT

For

*vs*  
*Eliza Wallace*

To

M

*Eliza Wallace*

No.

*150 East 107*

Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *pleading* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on *May* the *11* day of *May* instant, at eleven o'clock in the forenoon.

If the defendant is not produced at that time, your bond will be forfeited.

**RANDOLPH B. MARTINE,**

*District Attorney.*

POOR QUALITY  
ORIGINAL

0433

I hereby authorize J. B. McElhanna  
Att'y at Law, to appear as my counsel  
in the within entitled proceeding upon  
my assignment

Elija Wallace

May 11<sup>th</sup> 1886

Witness

Samuel Good



Elija Wallace  
150 E. 107 St

J. B. McElhanna

At a Court of General Sessions of the Peace held in  
and for the City and County of New York,  
on the 18 day of May A. D. 1887.

Present,

Hon.

*Fredrick Smith Recorder*

Justice of the  
Sessions.

OF THE CITY OF NEW YORK.

THE PEOPLE OF  
THE STATE OF NEW YORK,

against

*Elizabeth or  
Olivia Wallace*

On indictment for  *Petit Larceny*

An order of a *Police Justice* having been  
granted, admitting the Defendant to bail in the sum of *One*  
hundred dollars, and the Defendant having caused to be deposited the said  
sum of money with the County Treasurer of New York, in lieu of bail.

And it appearing that the said Defendant has appeared  
in Court, pursuant to the condition of the said order of bail *and*  
*the defendant having been discharged and*  
*the indictment against her dismissed by the*  
*Court.*

By consent of the District Attorney, It is Ordered,  
that the County Treasurer be and he is hereby directed to refund the said  
money deposited as aforesaid to *James A. McCalland*  
who deposited said sum of money for the appearance of *said* defendant.

I consent to the entry of the above order.

*James A. McCalland*

District Attorney.

Dated *May 18* 1887

POOR QUALITY  
ORIGINAL

0435

New York Court General Sessions

THE PEOPLE OF THE STATE OF NEW YORK

against

*Elizabeth or  
Ely Wallace*

ORDER REFUNDING MONEY DEPOSITED

IN LIEU OF BAIL.

*Rec'd Cc for \$100  
filed Apr 30/86*

TO THE COUNTY TREASURER,  
City and County of New York

**District Attorney's Office.**

## PEOPLE

**vs.**

vs.  
Eliza Wallace  
SL

Let this case  
go off ~~to~~ May 13<sup>th</sup>  
~~orders.~~

I am informed  
that dept. is  
insurance

ap 28/87 RB A  
To Mr Davis  
On for 29<sup>th</sup> inst -

POOR QUALITY  
ORIGINAL

043

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Erin Wallace*

The Grand Jury of the City and County of New York, by this indictment, accuse

*Erin Wallace*

of the CRIME OF PETIT LARCENY, committed as follows:

The said

*Erin Wallace*

late of the First Ward of the City of New York, in the County of New York aforesaid,  
on the *twenty sixth* day of *April*, in the year of our Lord  
one thousand eight hundred and eighty-*five*, at the Ward, City and County  
aforesaid, with force and arms,

*one umbrella of the value of*  
*two dollars and seventy five*  
*cents, one pair of gloves of*  
*the value of twenty five cents,*  
*and one bottle of perfume of*  
*the value of seventy five cents.*

of the goods, chattels and personal property of one *John O'Neil*.

then and there being found, then and there unlawfully did steal, take and carry away,  
against the form of the statute in such case made and provided, and against the peace of  
the People of the State of New York, and their dignity.

*Randolph B. Smith,*  
*District Attorney*



0438

**BOX:**

221

**FOLDER:**

2174

**DESCRIPTION:**

Waring, Frederick

**DATE:**

05/26/86



2174

Remains of  
for head for  
Witnesses: Jan 187  
John P. Riley  
off 22d Precinct  
late Mrs.

Counsel, 27/ R. A. [illegible]  
Filed 26 day of May 1886  
Pleads Wholly in

THE PEOPLE  
Ordered to be of  
7<sup>th</sup> 1886  
and Commissioner for  
27th 1886

Frank W. Waring

Ordered to Court of Over  
and Reminer for Deal

RANDOLPH B. JARVIS

Ordered to be of  
Disposal of and  
Reminer for Deal

A TRUE BILL  
27th 1886  
27th 1886  
27th 1886

John P. Riley

Nov. 10, 1886 Foreman  
Pried and Jury disagree  
Feb. 20, 1887  
Pried and Jury disagree



POOR QUALITY  
ORIGINAL

0441

Police Court, *1st* District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*James Reilly*  
*vs*  
*William W. Loring*

AFFIDAVIT.

Dated

188

*May 1*  
*Monday*  
*Reilly*

Magistrate.

Officer.

Witness,

*\$25000 - Bail for*  
*Ey.*

Disposition,

*committed to*  
*await the result of*  
*the coroner's inquest*

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 11 DISTRICT.

of No. 22 Queens Street, aged \_\_\_\_\_ years,  
occupation Police Officer being duly sworn deposes and says,  
that on the 5<sup>th</sup> day of May 1888

at the City of New York, in the County of New York, he arrested James & Jane Nelson charged  
with being accessories to the death  
by Malpractice of Alice Clinton  
his deponent is informed and  
verily believes. Deponent now  
asks that the defendants be  
held to await the result of the  
Coroner's inquest on the body of said  
Alice and enable deponent to  
procure evidence to establish the  
guilt of the defendants Charles L. Bockhorn

Sworn to before me, this  
day of May 1888  
at New York City.  
Police Justice.

POOR QUALITY  
ORIGINAL

0443

Police Court 1 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles W. Rockham  
Annie Barnes  
Jane Nelson

AFFIDAVIT.

Dated May 1 1888

Wm. W. Murray Magistrate.

Rockham Officer.

Witness, D. E.

\$1000 - Bail each for  
Ex. by the Court.

Disposition,

1 Pardoned  
2 Pardoned

(21)

Mrs Barnes & Jane Nelson  
told me to take the corpse  
on my back if I wished.  
I was suspicious about her  
death. So when I left  
I went to 47<sup>th</sup> Station & stated  
the case. I went from there to  
Coroner's Office, when I arrived  
there I was informed the Coroner  
had went to investigate the case.  
Now as regards Mrs  
Barnes & Jane Nelson they have  
kept a House of Assignment for a  
number of years back, being  
head quarters for domestic  
servants, when they wished to have  
a good spree, as they have kept  
Alice under the influence of  
intoxicating drinks for weeks at a  
time. The said Mrs Barnes buried  
a child nearly 2 years ago for Alice Clinton  
in Greenwood. If it got found plain or not  
I cannot say. Mrs Morse the principal witness  
in this case & Kate M. Cleary are the women that attended  
to Alice giving birth to her child in a furnished room nearby  
where Mrs Morse lived which I can certify to & have  
different witnesses if required.

Patrick J. Simpson  
4444 W. 36<sup>th</sup> St

No 7

Statement of Patrick Simpson  
first Cousin of Alice Clinton  
who died from Malpractice at  
Anna Barnes & Jane Nelsons.  
on 3rd May 1886.

On 8. P.M. Jane Nelson came  
to my house 444 W. 36th to get  
Kate Mossie's address, the principal  
witness in this case. I gave  
her the desired address. She  
never told me at that time that  
my Cousin Alice was dead, or  
said anything whatever about her  
case, although being perfectly  
Cognizant of all the facts  
appertaining to her death.

I heard nothing further  
until 5th inst when I was informed  
at my business 45th & 3rd Ave  
of Alice's death. I went to  
Anna Barnes 404 W 47th I found  
Alice dead. I asked Jane Nelson  
the Sister of Mrs Barnes why  
I was not informed on the 3rd May  
in regard to Alice's death. She said  
She did not wish or want to say  
anything to me about it. She  
~~ordered~~ me out of the wake house



POOR QUALITY  
ORIGINAL

0446

Statement of  
Patricia Simpson

4446 369

In regard to:

Alice Clinton  
Hench

The People &c  
- vs -  
Friedrich W L Waring

The defendant waives examination  
and asks that the papers be  
sent to the District Attorney  
May 19, 1886

Jas. M. Bradley  
Dist. Atty.

0440

CITY AND COUNTY OF NEW YORK, SS.

*Taken at the house of Corners' Office*

Street in the

Ward of the City of

New York, in the County of New York, this 10<sup>th</sup> & 14<sup>th</sup> day of May

in the year of our Lord one thousand eight hundred and

86

Before

Ferdinand Zidman

Coroner,

of the City and County aforesaid, on view of the Board

Alice Clinton

lying dead at

Twelve

*Upon the Oaths and Affirmations of*

Twelve good and lawful men of the State of New York, duly chosen and sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said

Alice Clinton

came to her death, do

upon their Oaths and Affirmations, say: That the said

Alice Clinton

came to her death by

*Puerperal Septicaemia*

following criminal abortion at the hands of Frederick K  
William Latimer Waring of 417 W. 33<sup>rd</sup> St. on May 3/86  
about 6.15 P.M. at 454 W. 47<sup>th</sup> St.

We further find that the certificate of death given by said Waring was a forgery.

In Witness Whereof, We, the said Jurors, as well as the **CORONER**, have to this Inquisition set our hands and seals, on the day and place aforesaid.

**J U R O R S.**

Off Armstrong MD 125 N 34<sup>th</sup> St Jos E. Paisley 477. 8<sup>th</sup> Ave  
 Lewis Eggleston 453 8<sup>th</sup> av Fred. K. Verintz 427-8<sup>th</sup> Ave  
Mrs Blum 133 N. 34<sup>th</sup> St Jas. Miller 441-8<sup>th</sup> Ave  
 Charles Hunter 138 W 34<sup>th</sup> St R Holland 431 8<sup>th</sup> Ave  
 J Skell 158 West 34<sup>th</sup> St Julius Grunpel 345-8<sup>th</sup> Ave  
 Hubert R. K 768 W 34<sup>th</sup> St Alfred Brodek 447. 8<sup>th</sup> Ave

*Ferdinand de Silesius*

CORONER, L. S.

CORONER'S OFFICE.

TESTIMONY.

Mrs. Katie Muns being sworn says, I reside at 257 Hudson St. I know the dec<sup>d</sup> Alice Clinton since she was a child, I did not know after sickness, I learned of it after her death, I do not know who took her to 452 W 47<sup>th</sup> St. I did not know that she was pregnant. Mrs. Jane Nelson told me that the Deceased went to Dr. Waring & paid him 25<sup>00</sup> Dollars. That she came to ~~her~~ house very weak. She came for me at 8:45 P.M. Monday May 3/86 & told me Alice was dead, I asked her what she died of she said she had a Doctor. She did not know what she died of. I asked no questions about the funeral. I went to my undertaker & took him up with me, I saw at a glance that there was something wrong & I would not let her be stripped or disturbed but to put her on ice as she was. In the meantime a policeman came in from Station House in 10<sup>th</sup> 27<sup>th</sup> St & I told him I did not know anything, I would investigate. She was so much swollen

Taken before me

this

day of

188

CORONER.

CORONER'S OFFICE.

TESTIMONY.

2

I thought she had died from liquor, the room smelled terribly of it. When I got there, I asked the undertaker what to do & I did not come back till next morning. When I came next morning and asked Dr. Waring if there was nothing else wrong with the deceased but heart disease as he told me, he said "no". I asked him if he knew Mrs. Simpson of 444 W. 36<sup>th</sup> St. and he said "No". I said "Yes" you do know him. He treated Lizzie Henry for abortion, she told me that Dr. Waring was with her 7 times in one day. I had a consultation of 2 doctors besides Lizzie Henry gave the deceased a card to go to Dr. Waring. Dr. Waring said he would send the death certificate at 12 M. Dr. Waring treated Lizzie Henry told me that Dr. Waring had called on her & told her that she was pregnant & treated her for to produce an abortion. I do not know of any other Doctor treating the Deceased but Dr. Waring. Dr. Bennett was called in as she was dying. The death certificate came by

Taken before me

this 10 day of May 1886

CORONER.

CORONER'S OFFICE.

TESTIMONY.

3

a boy about 12 W. He said "This is the death Certificate of Alice Colantonio to be given to the Undertaker." Mrs. Barnes received it at the door and called me. I told the boy to wait for a minute till I could read it. Then I asked him why Dr. Bennett's name was on the Certificate. He told me if I wanted any more information I should call at 417 W. 33rd St. I did not call there. I went & called on Dr. Bennett. I asked him several questions before showing him the death Certificate. I asked him if he had signed it & he said "most undoubtedly NO" He wished me to leave it with him. I said "NO" I would go to the Station House then. I ~~would~~ was told there to come to the Coroner's Office & have it properly investigated. I ~~came there~~ & gave the Certificate to the Undertaker as I had ~~been~~ home. At 1 AM Dr. Bennett & Jane Nelson came to my house & woke me out of my bed. he wished me to produce the death Certificate

Taken before me  
this            day of

188

CORONER.

CORONER'S OFFICE.

TESTIMONY.

4

I got up I dressed & went to the under-  
taker's, woke him up. ~~he~~ he had not if  
he said his son Peter would present it  
at the Board of Health in the morning.  
Then he said he would send a man  
to prevent <sup>him</sup> ~~it~~, This is all I know  
concerning the case,

Sworn before me this  
19th day of May 1886 State of Mass  
J. M. Hounsell Justice

Taken before me

this 10 day of May 1886

Frederick Sidman CORONER.

CORONER'S OFFICE.

TESTIMONY.

5

Mrs. Jane Nelson being sworn says  
I reside at 410 W. 42<sup>nd</sup> St. I knew  
the deceased for about 5 years.  
I knew that she was ill at 454  
W. 47<sup>th</sup> St. where I waited on her.  
She never told me what ailed  
her. I asked her to get another  
Doctor several times, and she  
refused. She never made a statement  
to me. I had no idea what was the  
matter with her. She told me  
when she came to the house  
that she had fallen off a step  
ladder & that she thought she  
had displaced the womb. Dr.  
Waring, she said, had replaced it.  
I asked her who had told her about  
that Doctor & she said some of  
her friends. I asked her why  
she did not have her own Physician  
and she said she was highly  
recommended to Dr. Waring as a  
good Doctor <sup>and a good Doctor</sup> that he was a  
professor in the Roosevelt  
Hospital. She handed me a  
bottle & told me that this was the  
bottle the Doctor gave <sup>her</sup> to take  
in case she should flow a little more.

Taken before me

this

day of

188

CORONER.



CORONER'S OFFICE.

TESTIMONY.

6

She said the Doctor would come on Sunday in the forenoon to see the ~~her~~ <sup>at 11/4 day 90</sup> ~~man~~ <sup>Le</sup> told me to leave the room I did so for about 10 minutes, I asked the deceased what the Doctor said, & she said she was getting on nicely, she was to take chicken broth & bourbon whiskey but no solid food, she got another bottle of medicine. She asked me to go for the medicine I went & got it from Dr. Waring who went to a Drug Store & got it, - I gave him 50¢ as it was all I had the bottle came to \$1.00 She dec<sup>d</sup> did not feel <sup>well that</sup> night 24/April. I went down to Dr. Waring & told him, & he gave me a prescription for a draught to put her to sleep she felt more comfortable after that. The doctor came & said that she was getting on nicely & for her to take plenty of nourishment - Rye whiskey and milk. She seemed to be nice & well. The Doctor came every day but one to see her I told him Alice was not very well, he told me she had inflammation

Taken before me

~~this~~ ~~drop of~~

~~xxx~~

CORONER

CORONER'S OFFICE.

TESTIMONY.

7

of the barrels, he gave a draught to her. On the day after her death she did not get up. She said she did not want any other Doctor but the one who was treating her. Dr. Waring said to her "why are you so scared & frightened?" I went & got some medicine for her. She did not take it. I went out and was not out more than 15 minutes when I got word that Alice was very sick. I went right down to her, and asked her to let me get her a Doctor. She said not. Then Dr. Bennett came running in and I said to him "Save her! Save her!" She gasped 2 or 3 times & died. The deceased deceived me from the time she came into the house, I had every confidence in her. I never thought of her being pregnant. It was the women around the house who talked of it & I did not believe it. I saw Dr. Waring making out the death certificate, I do not know if he signed it or not. Dr. Bennett's name was signed to it when it <sup>was sent</sup> ~~came~~ to the house. Dr. Waring said when the certificate would <sup>be sent</sup> ~~come~~ before me.

this 10 day of May 1884

CORONER

POOR QUALITY  
ORIGINAL

0458

CORONER'S OFFICE.

TESTIMONY.

*8*

be ready to come for it, and to show  
it to no one but the undertaker.  
A boy was sent for the certificate  
and told to bring it to the house,

Taken before me this  
14th day of May 1886

Law Nelson

*Wm. Jennings*  
Justice

Taken before me

this 10 day of May 1886

*Adrian C. Edman*

CORONER.

CORONER'S OFFICE.

TESTIMONY.

9

Dr. Henry Bennett being sworn says  
I reside at 2436 W. 27<sup>th</sup> St. On the eve  
May 3/86 about 6:15 PM I was called  
to see Miss Clinton, she was dying  
at the time, she gave 2 or 3  
gasps & died. I could not give  
a certificate as I knew nothing  
of the case, Dr. Waring came to  
my house and asked me to  
sign the certificate I refused  
then he went away. The next after-  
noon a lady came and asked  
me if I had signed the certificate  
and I said No; I went to the  
Health Board & notified Dr.  
Nagle that if he received a death  
certificate for Alice Clinton signed  
by me - not to accept it, as it was  
a forgery. (The witness examines the  
certificate & pronounces his name a  
forgery).

H. H. Bennett

Sworn before me this  
19 day of May 1886

Teste per

Taken before me

this 10 day of May 1886

Frederick S. S. S.

CORONER.

CORONER'S OFFICE.

TESTIMONY.

10

Nickolas Kostka being sworn says  
I reside at 700 Ninth Ave, Am an apothecary  
I compounded some prescriptions sent to  
me by Dr. Waring, 1<sup>st</sup> Prescription  
1/2 Drachm Sulphur Quinine & 10 grs. powdered  
Black Pepper, divided into 6 pills, Signed Dr. Waring  
2<sup>nd</sup> Prescription 10 grs. Hydrate Chloral, 20  
grs. Bromide Potash, 10 drop. Tinct. Opium  
1 Drachm Aromatic spirits Ammonia  
Cinnamon water enough to make one ounce  
Signed Dr. Waring  
I think there was a third Prescription  
I do not remember ever having compounded  
Prescriptions for Dr. Waring before.  
3<sup>rd</sup> Prescription - Brom. Potash. Comp. Spirits  
Lavender & sweet nitre, Signed Dr. Waring

Sworn before me this  
19<sup>th</sup> day of May 1886

V. Kostka

Police Justice

Taken before me

this 10 day of May 1886

Frederick S. S. CORONER.

CORONER'S OFFICE.

TESTIMONY.

Edward Flint being sworn says  
I reside at 421 Ninth Ave. Am an  
Apothecary. I have compounded some  
prescriptions for Dr. Waring  
Prescript. Citrate Iron & Quin. 1 Drachm  
Syrup. Franki 1 oz. Aqua 6 oz.  
Take one tablespoonful 3 times daily  
Signed Dr. Waring

Prescription Tinc Ginger  $\frac{1}{2}$  oz  
Tinc Cinchona Comp 1.0 oz  
Arom. Spirit Acon 1.0 oz  
Comp Tinc Gentian  $\frac{1}{2}$  oz  
Tinc Colombo  $\frac{1}{2}$  oz  
Water 8 oz

Direction  $\frac{1}{2}$  Wine glass 3 times daily  
(Signed) Dr. Waring

I have put up prescriptions for Dr.  
Waring he fore, I do not recollect him  
having prescribed ergot.

Edward Flint

Taken before me

this 10 day of May 1886

Frederick E. Egan CORONER.

CORONER'S OFFICE.

TESTIMONY. 12

Aunt Barnes being sworn says  
reside at 255 W. 47th St.  
Aunt Barnes of the flat here  
I remember when Alice Clinton came  
to me on April 24/06, she did not  
tell me she fell off a step ladder  
she did not say she was falling  
I did not call a Doctor, she  
came bet. 8 & 9 O'Clock. Saturday night  
she seemed to be pretty well, during  
the night, she got worse, The Doctor  
Waring came after his own record,  
the next morning, he did not  
do anything. The deceased never said  
a word to me about what was the  
matter with her, I did not ask  
her any questions. The Doctor was  
treating her for inflammation of the  
bowels - the deceased told me  
this, she said she came for a  
few days to rest herself, she  
came from Madison Ave, where she had  
been employed as a servant, she never  
told me she had been treated by Dr.  
Waring before coming to my house,  
she had a fever, I waited on her once  
in a while, she was <sup>not</sup> delirious at any time  
she used to come occasionally & stop for

Taken before me

this day of

188

CORONER

CORONER'S OFFICE.

TESTIMONY. 13

a short time, she did not suffer from thirst, she lay naturally, in bed & spoke to her about having another Doctor and she would not have one. she said she had a good Physician Dr. Waring had written out the death Certificate, I was told this by Mr. Jefferson a lady residing in the house. I did not see him do so, The boy <sup>John Ward</sup> was sent after the Certificate & brought it to my house, I was standing at the door he handed it to me. Mrs. News took it and read it and saw Dr. Bennett's name signed to it & not Dr. Waring's. She went to see Dr. Bennett about it

Sworn before me this 19th day of May 1886 Ann <sup>her</sup> Barnes <sup>mark</sup>

Samuel Barnes Justice

Taken before me

this 10 day of May 1886

Frederick A. Coroner CORONER.



CORONER'S OFFICE.

TESTIMONY.

14

Miss Lizzie Henry being sworn says  
I reside at 444 W. 36th St. I knew  
the deceased, she was my 2<sup>nd</sup> Cousin  
I have known her since she was in the  
Country. I never had any conversation  
with her about her Condition, Thursday  
5 weeks ago she was at my  
house, she told me she complained  
of pain in her back, she said  
she had been sick about two months  
ago, she <sup>said</sup> it had come on her again  
It was near two weeks before she  
looked really sick. She had asked  
me if I knew a Doctor and I  
recommended Dr. Waring who had  
treated Mrs. Sullivan in her confinement  
I gave her his address, she said she  
might call there some day. She and  
I then parted & I did not see her  
alive afterwards. What Mrs. Macer has  
said is not the truth. I did not  
know the state Alice Clinton was  
in. Dr. Waring treated me I gave  
the name of Lizzie Gray. He treated  
me for inflammation of the stomach  
He never treated me to produce  
an abortion. I have never been in the  
family way. Dr. Waring came to see me times

Taken before me

this day of

188

CORONER.

X

CORONER'S OFFICE.

TESTIMONY.

15

in one day. I had great pain in my stomach. He gave me something to make me sleep. I did not flow after taking the medicine. I was sick 10 or 12 days. I was unwell when I went to the Doctor Waring - he gave me some medicine. One day I had nausea, after taking brandy, I had not nausea before going to the Doctor. I do not know why I gave the Doctor a fictitious name. I was <sup>not</sup> pregnant when I went to visit Dr Waring, who gave me some medicine. I did not ~~come~~ ~~to~~ ~~flow~~ ~~for a long time~~ after that. I gave him \$13.00. I did not tell Alice Clinton to go to Dr Waring for the same purpose as I did. I had not idea what was the matter with her when I sent her to Dr Waring. I did not know any other Doctor. It is 4 weeks since Dr Waring treated me. ~~The deceased knew that I had been pregnant & had gone to be treated for abortion by Dr Waring.~~ The last time I visited my Cousin in Madison Ave. she asked me why I looked so pale. She drew me out in every way she could. She asked me

~~Taken before me~~

this day of

188

CORONER.

CORONER'S OFFICE.

TESTIMONY.

how long I had been unwell. I told her about 2 months. I then cried, & she said she knew there was something wrong with me. ~~She said I could not do anything for myself.~~ I wrote to the Doc<sup>r</sup> & told her that I had visited Dr<sup>r</sup> Waring & told her that there was nothing wrong with me. After I was better I wrote her again & told her I was up & better. I did not say I had been treated so produced abortion. ~~Dr<sup>r</sup> Waring gave me some medicine to produce abortion.~~ When I went to visit Dr<sup>r</sup> Waring I told him what was the matter with me that I thought I was pregnant. he said he would try to do the best he could for me. ~~he would try to help me out of it.~~ I don't remember the exact words. The Doctor never treated me before for a similar occasion or for a similar purpose.

Sworn before me  
this 10 day of May 1886

Lizzie Perry

Wm. M. W. Justice

Taken before me

this 10 day of May 1886

Frederick C. Bidman CORONER.

CORONER'S OFFICE.

TESTIMONY.

17

Miss Katie W. Leav being sworn  
says: I reside at 257 Hudson St.  
I knew the deceased for 5 or 6 years  
I did not know what was the matter  
with her. She told me she had a  
pain in her back. Four days before  
she left her place in Madison Ave  
I visited her. The deceased asked  
me if I had been to see Miss  
Henry & how she got through her  
sickness. I told her that Dr.  
Waring had visited her 7 times  
& that there was also a consultation  
of Doctors. She told me that she  
was glad that she had got over  
her trouble, for hers was a bad  
case, & that Miss Henry had told  
her she had been in the family way  
about 2 & 3 months. The deceased  
asked me why she did not compel  
Mr. Simpson with whom she lived to  
marry her. She said Miss Henry had asked  
Mr. Simpson to marry her & that he had  
refused, & therefore that she had to do  
something to hide the disgrace. The  
deceased asked Miss Henry if she had been  
to a Doctor & she said she would go  
& see me. Two days after, she asked again

Taken before me

this

day of

188

CORONER.

CORONER'S OFFICE.

TESTIMONY.

18

if she had been to a Doctor &  
she said she had and that she  
was all right then. That was the  
day that the Deceased got Dr  
Waring's Card from Miss Henry.  
The deceased never said she was pregnant.

Taken before me  
this 10 day of May 1886  
Hate McLean  
J. M. Brown Office Justice

Taken before me

this 10 day of May 1886

Edmund C. Cushman

CORONER.

CORONER'S OFFICE.

TESTIMONY.

John Ward being sworn says  
I reside at 410 W. 47<sup>th</sup> St. Am 16<sup>th</sup> June  
I am not working at present. On May  
5/86 my <sup>ms. Gore. 410 W. 47<sup>th</sup> St.</sup> sister sent me for a Death  
Certificate, to Dr Waring, he put  
it in an Envelope. He wanted me  
to take it to the undertakers, &  
not to let any one open it. I took  
it to 454 W. 47<sup>th</sup> St. and gave it  
to Mrs James, she thanked me  
& told her that the Doctor told me  
if anything further was wanted  
to go to him & not to Dr  
Permett.

Sworn before me John J. Ward.  
this 15 day of May 1886  
B. M. Bennett Police Justice

Taken before me

this 15 day of May 1886

Frederick E. Bidman CORONER.

CORONER'S OFFICE.

TESTIMONY. 20

Patrick J. Simpson being sworn says  
I reside at 424 W. 36<sup>th</sup> St. Am  
a Carpenter, I knew the deceased  
who was a Cousin of mine, since  
she was a child. On May 3/86  
about 8 PM. James Nelson came to  
my house to get Mrs. Moss' address.  
I told her I did not know her  
proper address, that she had  
removed to Hudson St. opp. Broome  
She then asked if Kate McLean  
was in my house. I said no, she  
had left about 6 weeks ago.  
She then left, saying she would find  
Mrs. Moss' <sup>number</sup> herself. I heard no  
more word till Wednesday at 10 AM  
when I was informed by Kate McLean  
of the death of Alice Boston. I went  
to 454 W. 47<sup>th</sup> St. where deceased  
lay dead. When I looked at the Corpse  
I asked Mrs. Nelson why she did  
not tell me on Monday of her  
death. She ordered me out of  
the house. I told her I would  
go but would return with  
authority to inquire as to the  
cause of her death. I then

Taken before me

this day of 188

CORONER.

CORONER'S OFFICE.

TESTIMONY. 21

went to 10 47<sup>th</sup> St. Station. The Capt. sent me to the Coroners' Office to report the death. When I went back to <sup>454</sup>W. 47<sup>th</sup> St. I heard of the arrest of Dr. Waring & Mrs. Barnes & Mrs. Nelson. About the deceased only visited my house 3 times in a year. I did not know that she was sick or that she was under the Doctor's treatment.

Patrick J. Simpson  
Sworn before me this  
19th day of May 1886  
Wm. H. Brown Justice

Taken before me

this 14 day of May 1886

V. Edmund Sidman CORONER.



CORONER'S OFFICE

TESTIMONY.

Autopsy

Body of Alice Clinton  
26 years old Ireland  
454 W. 47<sup>th</sup> Str.

Body well nourished Rigor mortis

Heart normal

Pericardium "

Lungs " slightly edematous

Liver a little enlarged

Spleen normal

Kidneys "

Uterus enlarged only slightly.

showing inflammation externally.

Decayed tissues and blood  
coagulum internally in the uterus

Os extum: all around showing  
indications of a previous inflammation

Cause of death: Exhaustion from  
Purpura Septicaemia

Taken before me

this 10 day of May 188

Fredrick E. Gilman CORONER.

Gustav Scholer M.D.  
Coroner Physician

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Frederick William Latimer Waring* being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz. :

Question—What is your name?

Answer—*Frederick William Latimer Waring*

Question—How old are you?

Answer—*33 years*

Question—Where were you born?

Answer—*Ireland*

Question—Where do you live?

Answer—*417. West 33rd Street.*

Question—What is your occupation?

Answer—*Physician*

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

*I have nothing to say at present.*

*F. W. Waring* *E. L. R. B.*

Taken before me, this *14* day of *May* *1886*

*Frederick W. Waring* CORONER.

POOR QUALITY  
ORIGINAL

0470

MEMORANDUM.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.	
26	Years.	Months	Days.	Ireland	454 W. 47 <sup>th</sup> St.	May 5/86

And No. 385 - 1886.

HOMICIDE.

AN INQUISITION

On the VIEW of the BODY of

Alice Clinton

whereby it is found that he came to  
her Death by the hands of

Frederick McJannet Manning

Onquest taken on the 10<sup>th</sup> + 14<sup>th</sup> days  
of May 1886

Frederick McJannet Manning  
Coroner.

Committed

Quitted

Discharged

Date of death May 3/86

0473

2712

June 27/19  
22 June 1919  
deduct 14/11/19

..

May 19 1886

Magistrate.

..... Officer.

Precinct.

44/1962/364

Street.

*John Nelson*

1830-1831

一

1/1

.....

打

4-27-9

100

Dated..... 188..... Police Justice.

0474

54804  
 28.10.82  
 172  
 Draining Sulph 5/6  
 Paper Nigro 7/8  
 40 capsules VT  
 30  
 Take one every 4  
 hours  
 1/10/82

[illegible]

85884.  
The fine orange  
in hand -  
leafy -  
of which  
it must  
be 20 or 25 lb  
sprung 3 times  
daily  
~~John W. May~~

*[Handwritten notes:]*

By Charles F. Diet  
Kali Pamboga x  
20 x  
o.v. spot die Am arose  
on banana 24  
off shoot  
left hand at  
one end  
[Signature]

*Oyer & Terminer*  
**Court of General Sessions Part 71**

Before Hon. *George C. Barnett*  
~~Assistant District Attorney~~ *R. B. Martine* for the People.  
Calendar for District Attorney *Feb. 24* 1887

No. *1* THE PEOPLE, &C.,  
vs.

*Frederick W. L. Waring*  
*Manslaughter*

WITNESSES  
*Left at S. H.*

*Off. Riley*  
*" Buckthorst*  
*Patrick J. Simpson Pers*  
*Mrs. J. Nelson Moved to Staten Island*  
*Mrs. Gore Left with servant*  
*John Ward " "*  
*Ann Barnes Pers.*  
*Mrs. Jefferson Moved West 6 mos.*  
*Dr. Henry Bennett Pers.*  
*Victor Kostka Left with Clerk*  
*Edward Flint " "*  
*Mrs. Katie Mass Moved + cannot*  
*Kate McLean be found*  
*Lizzie Henry moved to Bklyn*  
*Dr. B. Scholer address unknown*

No. THE PEOPLE, &C.,  
vs.

No. THE PEOPLE, &C.,  
vs.

WITNESSES:

No. THE PEOPLE, &C.,  
vs.

WITNESSES:

*Oyer & Terminer*

POOR QUALITY  
ORIGINAL

0476

The special attention of Physicians is respectfully invited to the remarks below, and to the list of Diseases upon the Back of this Certificate.

THE HEALTH DEPARTMENT OF THE CITY OF NEW YORK  
Has made the following Order:

All Permits for the removal of the body of any deceased person from the City of New York for Interment, and all Burial Permits, and Permits for the Disinterment of the remains of deceased persons in the City of New York, shall be granted and signed by the Register of Records.

The Physician who attended any person in a last illness is responsible for the presentation of this Certificate, accurately filled out, to the BUREAU OF VITAL STATISTICS, within 36 HOURS after said person's death. (Sec. 161 of Sanitary Code.)

NO PERMIT FOR BURIAL CAN BE OBTAINED WITHOUT A PROPER CERTIFICATE.

All physicians practising in New York City (including those in public institutions) are required to register their names in the Bureau of Vital Statistics. (Sec. 5 of Sanit. Code.)

COUNTY OF NEW YORK.

STATE OF NEW YORK.

CERTIFICATE OF DEATH,  
IN THE CITY OF NEW YORK.

No. of corresponding Entry in  
Register Book of Deaths to be in-  
serted here by the Registrar.

Should be certified by the head of the  
family or other responsible friend.

1. Full Name of Deceased, { Write legibly and spell correctly. If an infant not named, give parents' names. } Alice Clinton
2. Age, 29 years, \_\_\_\_\_ months, \_\_\_\_\_ days. Color (Race, if other than the white.) White
3. Single, Married, Widow or Widower. (Cross out the words not required in this case.) Married
4. Occupation, Dressmaker
5. Birthplace (State or Country.) Ireland (How long in the United States, if of foreign birth.) 16 years
6. How long Resident in this City, 16 years
7. Father's Name and Birthplace, Charles Clinton (State or Country.) Ireland
8. Mother's Name and Birthplace, Margaret (State or Country.) Ireland
9. Place of Death, (If an Institution, please state the name.) No. 454 Street West 47th Ward 22nd
10. If a Dwelling, by how many families, living separately, occupied, 15 Floor\* 1st

(Signature and residence of Reporter.)

Certified by the Physician and according to  
Chap. 512, Laws of 1880.

11. I Hereby Certify, that I attended deceased from April 28th 1886 to May 3rd 1886 that I last saw her alive on the 3rd day of May 1886, that she died on the 3rd day of May 1886, about 6 o'clock, PM, and that, to the best of my knowledge and belief, the Cause of her death was as hereunder written:

Chief and Determining

Consecutive and Contributing

Heart Disease  
Mitral Enlargement  
Gastritis simple, Asthenia

(Write opposite each cause, if unknown, it should be so stated.) Duration of Disease in				† The duration of each Disease, when given, is reckoned from its commencement until death.
Years.	Months.	Days.	Hours.	
6	—	—	—	12

Sanitary observations,

Witness my hand this 4th day of May 1886

No. of Burial Permit, \_\_\_\_\_ (Signature,) H. H. Bennett M.D.,  
Place of Burial, Calvary Cemetery  
Date of Burial, May 5, 1886 Residence, 436 W 47th St  
Name and Residence of Undertaker, Henry Meade 317 W 10th St

Room for granting Burial Permits, No. 48. Hours from 7 A.M. to 6 P.M. on week days; from 8 A.M. to 5 P.M. on Sundays.  
\* By 1st floor is meant the floor immediately above or on a level with the grade of the street adjoining; the basement floor is below the level of the adjoining street.  
† Please examine the list of diseases printed on the back of this certificate.

Law regulating Coroners' Inquests in the County of New York, Chapter 462, Laws of 1871.

SECTION 1.—Hereafter, when in the City and County of New York, any person shall die from criminal violence, or by a casualty, or suddenly, when in apparent health, or when unattended by a physician, or in prison, or in any suspicious or unusual manner, the Coroner shall subpoena a properly qualified physician, who shall view the body of such deceased person externally, or make an autopsy thereon, as may be required (preparatory to an inquest).

N.B.—The Superintendent of Vital Statistics cautions all persons against accepting or using this Certificate for any purpose except that of delivering it for a Burial Permit and Registration. In case of the issuance of a duplicate Certificate, the word "Duplicate" should be written across it.

POOR QUALITY  
ORIGINAL

0477

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, ss

*Frederick W. L. Waring* be  
signed, according to law, on the annexed charge: and be  
make a statement in relation to the charge against h  
enable h if he see fit to answer the charge and explain the facts alleged against h  
that he is at liberty to waive making a statement, and that h waiver cannot be used  
against h on the trial.

Question. What is your name?

Answer. *Frederick W. L. Waring*

Question. How old are you?

Answer. *38 years*

Question. Where were you born?

Answer. *Putnam*

Question. Where do you live, and how long have you resided there?

Answer. *41 N. W. 33 St. Brown*

Question. What is your business or profession?

Answer.

Question. Give any explanation you may think proper of the circumstances appearing in the  
testimony against you, and state any facts which you think will tend to your  
exculpation?

Answer. *I am not guilty and  
reserve my defense by the  
advice of Counsel*

*F. W. L. Waring*  
*E. J. W.*

Taken before me this

188

Justice.



POOR QUALITY  
ORIGINAL

0478

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, { ss

District Police Court.

*Frederick N. L. Waring* being duly examined before the under-  
signed, according to law, on the annexed charge: and being informed that it is h is right to  
make a statement in relation to the charge against h is; that the statement is designed to  
enable h is if he see fit to answer the charge and explain the facts alleged against h is  
that he is at liberty to waive making a statement, and that h is waiver cannot be used  
against h is on the trial.

Question. What is your name?

Answer. *Frederick N. L. Waring*

Question. How old are you?

Answer. *33 years*

Question. Where were you born?

Answer. *Germany*

Question. Where do you live, and how long have you resided there?

Answer. *21 N. W. 33 St. Brooklyn*

Question. What is your business or profession?

Answer.

Question. Give any explanation you may think proper of the circumstances appearing in the  
testimony against you, and state any facts which you think will tend to your  
exculpation?

Answer. *I am not guilty and  
reserve my defense by the  
advice of Counsel*

*F. N. L. Waring*  
*E. J. [illegible]*

Taken before me this *19*

188*8*

Justice.

**POOR QUALITY  
ORIGINAL**

0475

May 19  
Murray

POOR QUALITY  
ORIGINAL

0480

Hon Judge Brady Esq

Dear Sir: I am respectfully  
request the prescriptions which Dr  
Waring acknowledges as prescribing  
for Alice Elmer (WPK Brisacke)  
Yours truly

Hon Judge Brady Esq  
The Jury would be obliged  
if you will send the certificate  
of death and the signature  
of Dr. Waring which he actually  
so as to compare same.

WPK Brisacke  
Yours truly

POOR QUALITY  
ORIGINAL

0481

Form No. 1.

**THE WESTERN UNION TELEGRAPH COMPANY.**

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after sending the message. This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

NUMBER	SENT BY	REC'D BY	CHECK
			2

NORVIN GREEN, President.

Received at WESTERN UNION BUILDING, 195 Broadway, New York

Dated, *terminite today or any day this* *Jan 10* 1887.  
*Four weeks.*

*R. A. Livingston*

**POOR QUALITY  
ORIGINAL**

0482

The People  
vs  
Hanging

**POOR QUALITY  
ORIGINAL**

0483

Per  
v.  
Warning.

POOR QUALITY  
ORIGINAL

0484

MEMORANDUM.

LIVINGSTON & OLCOTT,  
ATTORNEYS AND COUNSELLORS-AT-LAW,  
4 & 6 WARREN STREET.

ROBERT A. LIVINGSTON,  
J. VAN VECHTEN OLCOTT.

New York, Feb. 15<sup>th</sup> 1887

Dear Mr. Martine:

The "manslaughter" Case of the People - vs -  
Dr. F. W. Waring after being duly set for trial yesterday,  
before Recorder Smyth, was sent back to over-terminer

Dr. Waring has now been in the Tombs, 10 months.  
And it is three months, since his last trial.

Can nothing be done for him? Can you  
not have him tried at the end of the Unger Case.  
His trial only consumed one day, before!

Hon. R. B. Martine

Yours sincerely, R. Livingston

POOR QUALITY  
ORIGINAL

0485

Form No. 1.

1000  
**THE WESTERN UNION TELEGRAPH COMPANY.**

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after sending the message. This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
6	My 90	19	679

Received at WESTERN UNION BUILDING, 195 Broadway, New York

Dated, 264 W. 125 St. N.Y. 10

To Hon. Randolph D. Martine

District Attorney,

32

Chambers St. N.Y.

I am ready to defend J. Waring  
Orange homicide case in reprimand



POOR QUALITY  
ORIGINAL

0486

Eliza

Bfordant  
R.B.

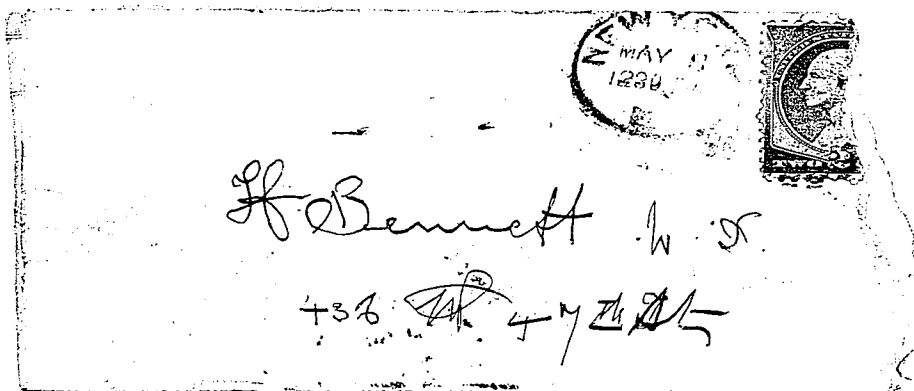
Dear Dr.

Please come to my house  
if possible today at 3 PM  
On day I want to explain  
to you about the certificate.  
There has been a great mistake.  
I want to come to see you  
myself but have hurt  
my foot. Have slipped on  
the sidewalk yesterday.

Yours sincerely  
F.W. Loring  
417 W 53 St

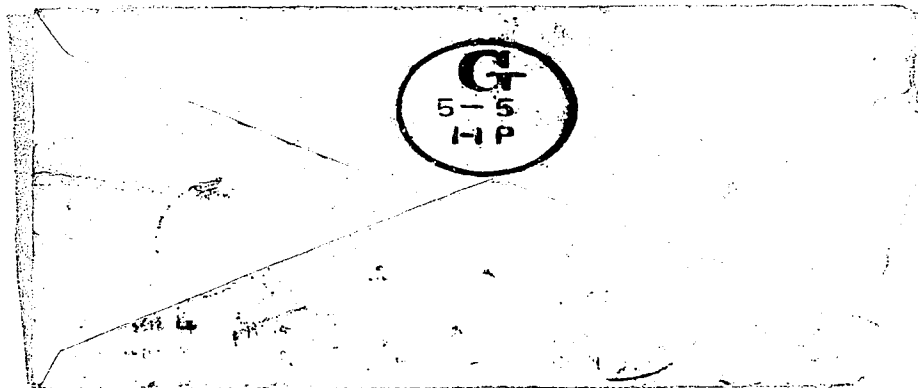
**POOR QUALITY  
ORIGINAL**

0487



**POOR QUALITY  
ORIGINAL**

0488



POOR QUALITY  
ORIGINAL

0485

Oyer & Terminer  
The People vs.  
— no —  
Frederick W. Moring

Before Hon. Jas. R. Brady, Justice of the Court

N. Y. November 10 1886

WITNESSES.	DIRECT.	CROSS.
Bennett, Henry H.	1	
Johnson, Gustav	5 10	8-11
Nelson, Jane	12	20
Gerr, Mary A.	21	
Ward, John	22	
Simpson, Patrick J.	25	30
Morse, Kate Louise	30	33
Moring, Fred W.	34	38
Simpson, recalled	62	

COTTER & STANDFAST,

676  
LAW TELEPHONE, 400

STENOGRAPHERS,  
Secyle Court  
Broadway, N. Y.  
Court of Criminal Cases

I

Court of Oyer & Terminer  
The People &c.

vs.

Frederick W. L. Waring

Before HON. JOHN R. BRADY,

Justice.

and a Jury.

New York, November 10th. 1886.

A P P E A R A N C E S.

Mc.Kenzie Semple Esq. for the People  
John R. Fellowes Esq of Counsel.  
R. A. Livingston Esq for Defendant.

HENRY H. BENNETT called as a witness on behalf of  
the prosecution, having been duly sworn, testified as  
follows:- DIRECT EXAMINATION BY COL. FELLOWES.

Q. Are you a practicing physician in this City?

A. I am, sir.

Q. Enrolled as such?

A. Yes, sir.

Q. In May of this year was you at any time called to see one  
Alice Clinton?

A. I was.

Q. When and where?

**POOR QUALITY  
ORIGINAL**

049

2

A. At 454 West 47th. street about six o'clock in the evening.

I have forgotten the date. I think it was about May 3rd.

Q. At 454 West 47th. street ?

A. Yes, sir; in the basement.

Q. And at about six o'clock in the afternoon ?

A. Yes, sir.

Q. Did you see Alice Clinton there ?

A. I saw a lady that was called Alice Clinton there.

Q. On what floor of the house ?

A. The basement.

Q. And in what part front or back ?

A. She was in a back room.

Q. What was her condition when you saw her ?

A. She was in a dying condition.

Q. Did she die in your presence ?

A. I think I had been there about a minute before she died.

She gave one gasp and died as I entered the room.

Q. How came you to visit her ?

A. It was a lady that called me in.

Q. And you say she survived only about a minute after you went into the room ?

A. Yes, sir.

Q. Then I take it you did not prescribe for her ?

A. No, sir; I gave her nothing.

Q. Did you make any examination of her ?

A. No, sir.

Q. You found her dying, partially dead ?

A. Yes, sir.

Q. And she died actually while you were there ?

A. Yes, sir; she was unconscious when I reached there.

Q. I hand you a certificate.

Objected to.

Q. Look at the paper I shwo you ?

A. Yes, sir.

Q. Did you sign that paper ?

A. I did not.

Q. Did you authorise anybody to sign it ?

A. No, sir.

Q. Did you ever see that paper ?

A. A lady brought it to my office one afternoon and asked me  
if I signed it.

Q. When ?

A. The day after Alice Clinton's death.

Q. (By MR. Livingston). Was Dr. Waring present ?

A. No, sir.

Q. WThat was the ~~Mon~~ 4th. ?

A. Yes, sir; I think so.

Q. Then on the afternoon of the 4th. your attention was called

to that paper whatever it was ?

A. Yes, sir.

Q. With a view of ascertaining whether you had signed it ?

A. Yes, sir.

Q. That signature then if it purports to be your name, I understand you to say that is a forgery of your name ?

A. Yes, sir.

Q. Did you know the defendant Dr. Waring prior to the 3rd. of May ?

A. No, sir; I never met him.

Q. Did you see him after that time ?

A. The evening she died he came in my office and asked me if I would give a certificate and I told him I would not.

Q. At what time was that ?

A. I should judge about eight o'clock in the evening.

Q. And did he say anything as to whether he had been the attending physician ?

A. He said that he had been attending her ~~and that my having seen her in her last illness that it was my duty to give the certificate. I told him positively I would not, and that I had not made an examination and he asked me if I would attach my name to the certificate if he did and I told him no, I would not have anything to do with it.~~



Q. And that is all you know about it ?

A. Yes, sir.

Q. Until on the following day this paper which you now hold  
was presented to you with your name attached ?

A. Yes, sir.

Q. And that was unauthorised by you ?

A. Yes, sir.

No Cross examination.

G U S T A V S C H O L E R called as a witness on behalf of the  
prosecution having been duly sworn, testified as follows:

DIRECT EXAMINATION BY COL. FELLOWES.

Q. You are a practicing physician and surgeon ?

A. Yes, sir.

Q. Of this City ?

A. Yes, sir.

Q. Do you hold any official position ?

A. I am the deputy coroner.

Q. In your official capacity did you make an examination of  
the body of Alice Clinton ?

A. I did.

Q. On what day ?

A. I cannot remember exactly. I state it on the paper. I  
think it was the 4th. or 5th. of May.

Q. (Showing a paper to the witness) Does that contain the result of the autopsy you made ?

A. Yes, sir.

Q. Filed with the ~~examination~~ paper in the examination before the Coroner ?

A. Yes, sir.

Q. Where did you make that examination ?

A. I made the examination at 454 West 47th. street at the house where the woman died in.

Q. But in what room in the house did you find the body ?

A. I found the body in the basement near the window, right near the window, close to the front.

Q. Now will you state to the jury the result of the examination ?

A. The deceased was a well nourished woman of about twenty eight or nine years old. Externally I could not find anything, no cut or violence or any kind or anything of that sort. I made an incision and examined all the organs in the body. I found that the lungs were slightly swollen by the usual cause of blood poisoning. The heart was normal. The liver was normal, slightly enlarged. The spleen ~~thymus~~ was normal and the kidneys were normal. There was evidence of ~~peritonitis~~ peritonitis but very slight. The uterus near the womb was enlarged and I think that the woman must have

been about two months of pregnancy. The external side of the uterus was red, inflamed. The entrance into the uterus was also inflamed, at least showed evidence of inflammation. When I brought the incision into the womb I found that it was full of partly decomposed material; the walls of the womb were very degenerated, frail and of very dark color showing every evidence that the womb was in a state of being robbed of its contents and blood poisoning had followed and this was the true cause of death of the woman.

Q. Now state again in language devoid of medical significations, the cause of the woman's death?

A. The cause of the woman's death was due to blood poisoning.

Q. Produced by what?

A. Produced by an abortion.

Q. Of a fetus some two months advanced, as you think?

A. Yes, sir. Allow me to state that the fetus was not in the womb anymore; there was no remnants of the fetus.

Q. Is not it easily possible by the examination of the uterus of a woman who has been pregnant, the contents of the womb having been discharged, if it is not easily possible after her death for medical science to indicate about the period to which gestation has extended?

A. It is easy to determine what the state of pregnancy was advanced.

Q. And in this case from the examination you made of the womb you testify that it must have contained a foetus about two months ?

A. A bout the second month.

Q. And that foetus had been discharged from the womb as you say except some slight remnants by an abortion ?

A. It had been discharged by an abortion; yes, sir.

Q. That abortion produced the blood poisoning from which she died ?

A. The remnants produced it; yes, sir.

Q. You stated that as to certain of the ~~remnants~~ organs, the heart, kidneys, liver and so forth they were normal ?

A. Yes, sir.

Q. Simply say what we are to understand by that term normal as used by you ?

A. They are in a condition as you will find in a healthy body.

Q. Was there any trace of heart disease in this woman ?

A. No, sir.

Q. The heart was in its healthy natural condition ?

A. Yes, sir.

C R O S S E X A M I N E D :- BY MR LIVINGSTON.

Q. Suppose a woman was pregnant and while in that pregnant condition engaged in cleaning windows up near the ceiling

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of a room, standing on a step-ladder, should suddenly lose her balance and fall to the ground, would that be likely to produce an abortion ?

A..Yes, sir.

Q..And m if an abortion was produced in that way would it be likely to produce blood poisoning ?

A..Yes, sir.

Q..Have you ev r found in the course of your practice that women have ever attempted to commit abortion on themselves?

A..Yes, sir.

Q..So that the mere fact that an abortion had been committed could you say whether she had not committed it herself or whether it was not the result of an accident ?

A..I could not say that.

Q. Suppose a woman was pregnant and some misguided frineds should give her about a quart of whiskey to drink every time so that the apartments of the rooms and all around <sup>Suffocating with</sup> ~~soaked~~ <sup>h</sup> of whiskey, what effect would that be likely to produce in regards to an abortion, m would it be apt to cause a woman to abort ?

A. I don't know that I could answer that question.

Q. Have you heard of women in that condition to take tansy tea and things of that sort to produce abortion ?

A Yes, sir; there are various drugs that they use to bring

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on abortion with some results and some negative results.

**R E D I R E C T:-** By Col. Fellowes.

Q. Now, given a woman who tumbles down from a step ladder a story high and so injures herself as that it brings on an abortion, I want to know your judgment as an expert, if that injury had been sustained by a woman and a physician was regularly in attendance upon her every day for a week or more from the time of the injury until the abortion was caused, do you think such a physician could be so deceived as to testify that she died from heart disease ?

A. No, sir. I would like to state that I stated to the Jury that I examined the body thoroughly externally, on the outside. If a woman had fallen from the step ladder I would have discovered something.

Q. There was no such symptom ?

A. There were no such signs of external violence.

Q. Repeating the question of my friend, if a woman being pregnant two months advanced in pregnancy, had administered to her a quart or more of whiskey so that the room stunk for the time but the attending physician did enter it every day and prescribed for her and examined her, do you think that condition of things would be likely to induce a medical impression that it was heart disease ?

A. No, sir.

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II

Q. Then the administration of whiskey and the falling down from a step ladder, if they procure an abortion under the eyes of the attending physician, continued during a week, do not indicate the symptoms of heart disease ?

A. No, sir.

R E C R O S S. By Mr. Livingston.

Q. What test did you make of the heart in regard to ascertaining whether its condition was normal or not ?

A. Simply a test.

Q. You did not apply any test ?

A. No, sir. I opened the heart and inspected all the valves of the heart.

BY COL: FELLOWES.

Q. What test can you apply to the dead heart to indicate whether it performed its functions in life or not; the woman was dead when you saw her ?

A. Yes, sir.

Q. The heart was still ?

A. Yes, sir.

Q. What test could you apply ?

A. I don't know of anyother except you would lokk to find out whether there was fatty degeneration.

Q. And that you witness in the eye-----.

A. The inspection I made would indicate if such a thing did exist.

BY MR LIVINGSTON.

Q. Once more in regard to this whiskey question. Suppose a person is addicted both to the use of considerable quantity of tobacco and whiskey, did you ever hear of such palpitation of the heart being produced as would lead a person who was not acquainted with the fact to ~~suppose~~ suppose that there was some trouble with the heart ?

A. The nicotine in the tobacco and with it the alcoholic stimulants may produce palpitation of the heart as long as it is in the system.

J A N E N E L S O N called as a witness on behalf of the prosecution, having been duly sworn, testified as follows:-

DIRECT EXAMINATION BY COL: FELLOWS.

Q. In May last where was you living ?

A. 454 West 47th. street.

Q. Did you occupy the entire house ?

A. No, sir; only the front basement.

Q. Did you know Alice Clinton in her life time ?

A. Yes, sir; for about five years.

Q. Do you know what her occupation was ?



A. She did house work or seamstress and chamber work; seamstress and house-work.

Q. In the latter part of April last did Alice Clinton come to your house ?

A. Yes, sir.

Q. What time ?

A. About nine o'clock on Saturday, about the 25th.

Q. The 25th . of April ?

A. Yes, sir.

Q. Had she ever been at your house before ?

A. Yes, sir; she has.

Q. What was her condition when she came there on the 25th. ?

A. She said she did not feel very well and that she fell off the steps.

Q. She said that she did not feel very well and had fallen off the steps ?

A. Yes, sir; that is what she said.

Q. How soon after she came there did a physician see her ?

A. It was on Sunday morning Dr. Waring came.

Q. This defendant ?

A. Yes, sir.

Q. Do you know whether Alice Clinton after she came there Saturday night sent for Dr. Waring ?

A. No. She said that the doctor was coming to see her on

Sunday morning.

Q. Then you knew that an arrangement had been made for the doctor to come to your house ?

A. Yes, sir; she m said that he would come.

Q. And he did come ?

A. Yes, sir; he did come.

Q. What time ?

A. Well, it was in the forenoon; may be before twelve o'clock.

Q. How long did he remain ?

A. He did not remain very long; not more than ten minutes.

Q. And where was you when he was there ?

A. I stepped out into the next room for a time.

Q. Why did you step out ?

A. Well, the doctor wished me to.

Q. He told you to step out ?

A. Yes, sir.

Q. And you left the room ?

A. And I left the room.

Q. And when you left who were at in the room ?

A. Only Alice and the doctor.

Q. Was Alice in bed ?

A. She was lying on a sofa in the front room.

Q. Dressed ?

A. Partly dressed with the blanket around her.

Q. The doctor remained about ten minutes ?

A. The doctor remained about ten minutes.

Q. When did he again come ?

A. He came the next day, I think.

Q. And did he continue to come each day ?

A. He continued to come each day until she died. He was there before she died, a few hours.

Q. Then he came each day from the 26th. ?

A. The 25th.

Q. It was the 25th. she came to your house ?

A. Yes, sir.

Q. On the morning of the 26th. being Sunday morning, this defendant came there ?

A. Yes, sir.

Q. And then he came from day to day until she died ?

A. Yes, sir; he came from day to day until she died.

Q. Now, what was Alice Clinton's condition during that week or more; she died on the 3rd. of May; did she not ?

A. She said she had been----

Q. I asked you not what she said; was she sick or well ?

A. She was sick.

Q. And during that time she was confined to her bed ?

A. Well, part of the time she was; she felt like getting up and lying on the sofa.

Q. Who occupies the house with you ?

A. My sister is the housekeeper in it and I happened to be there at the time Alice came there.

Q. And what is your sister's name?

A. Mrs. Prince.

x Q. How many people occupy that house?

A. There is about fifteen families in that house.

Q. It is a tenement house?

A. Yes, sir.

Q. And your sister was the house keeper for the entire house?

A. Yes, sir.

Q. And where were her apartments, in the basement?

A. Yes, sir; in the basement.

Q. Now at the various times when the doctor came there to see this girl, was you ever in the room?

+ A. Never left the room only the first morning, on Sunday morning; it was the only morning I was there.

Q. Did the doctor assign any reason for sending you out of the room that morning?

i A. No, he did not. He did not say anything about it.

Q. Did you ever have any conversation with ~~him~~ the prisoner Dr. Waring about her condition?

m A. I asked him in his office in 33rd. street what the matter was with Alice Clin on and he told me inflammation of the of the bowels.

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Q. And when was that ?

A. Well, I don't know; it may be three or four days after she came there.

Q. You went to his office ?

A. I went to his office.

Q. For what purpose ?

A. For medicine.

Q. For her ?

A. Yes, sir. She had no other messenger to go for the medicine and I went for the medicine.

Q. For medicine for her ?

A. For medicine for her.

Q. What did he say if anything with respect to her recovery ?

A. He did not say anything only he said she had inflammation and it was kind of serious and that was all he said.

Q. Was you present when she died ?

A. I was in just before it happened. I was sent for. I was not in. I was in just ahead of Dr. Bennett when she died.

Q. What had been her condition on that day, the 3rd. of May ?

A. She seemed to be very quiet and I asked her for to call in another physician and she said she would not, she did not want another physician.

Q. Had you at other times spoken to her about calling for

another physician ?

A. Yes, sir; I had spoken to her about it when she first came.

Q. She would not do so ?

A. She would not do so; she said he was a good physician and she did not want another.

Q. I understood you to say that you had known this girl for five years ?

A. For five years.

Q. Know her pretty well ?

A. Well, used to visit her and she used to come to see me.

Q. Do you know whether she was a married woman or not ?

A. No; she always told me she was single.

Q. When Alice Clinton came to your home did you know that she was pregnant ?

A. No, sir; I never knew it.

Q. Did you at any time during her stay there find out that fact ?

A. I never found it out until the coroner's inquest.

Q. Then it was entirely unknown to you that she was with child ?

A. It was entirely unknown to me and I was surprised when I heard it.

Q. The first intimation you had of it was the result of the coroner's investigation ?

A. Yes, sir.

Q You talked with Alice frequently ?

A Yes, sir; talked with her.

Q And you talked with the doctor who was attending her ?

A Yes, sir. All I talked with him and all he said was she was getting along nicely and to keep on with her nourishment.

Q And that her trouble was inflammation of the bowels ?

A Yes, sir.

Q And that was some three or four days after she came there ?

A Yes, sir.

Q Now as to the day on which she died, the 3rd. of May; she died at about six in the afternoon ?

A About six o'clock in the evening.

Q She had not been up during that day ?

A No, sir; she told me that she was not feeling very well and did not feel like getting up and I told her very well as long as she did not feel very well and I asked her if I should send for a doctor and she said her own doctor was coming and he did come some time in the afternoon.

Q What time ?

A May be four or five o'clock. Before this she asked me if if I would not go for some medicine and I went down to the doctor's and got the medicine and I said Alice this is your medicine and it is to be taken three times daily and she

had never taken it.

Q. What time did you say Dr. Waring called that day?

A. Well, it may have been four o'clock.

Q. That was about two hours before her death?

A. That was about two hours before her death.

Q. After Dr. Waring called and before six o'clock she was taken suddenly worse so as to cause your apprehension?

A. I was not in the room then. I was sent for and then when I came in she was dying then.

Q. And what time was that?

A. It was about six and then Dr. Bennett came in right after me.

Q. Do you know who went for Dr. Bennett?

A. It was one of the tenants that lived in the house. It was Mrs. Jefferies.

Q. And Dr. Bennett came in immediately after you?

A. He came in immediately after me and I asked the doctor says

Doctor save her if you can and he said all is over now.

Q. And how long after did she die?

A. She only gasped once and then ~~she~~ died.

C R O S S E X A M I N E D:- BY MR LIVINGSTON.

Q. Did you know before Alice Clinton came to the house that night that she was coming?



A. No, sir.

Q. She arrived unexpectedly by you ?

A. Yes, sir.

Q. And Dr. Warren came the next day ?

A. Yes, sir.

M A R Y A. G O R E called as a witness on behalf of the prosecution, having been duly sworn, testified as follows:-

DIRECT EXAMINATION BY MR. EELLOWES.

Q. Was not you examined before the coroner ?

A. No, sir. I gave permission to my brother to run errands for Mrs. Nelson while that young lady was dead in the house and in that way my name got in the case.

Q. The only information you have respecting this is the fact that your brother did some errands for her ?

A. Yes, sir; that he went for the certificate. Mrs. Nelson asked me to send for the certificate and I did.

Q. Who asked you ?

A. Mrs. Nelson.

Q. That is the witness who has just left the stand ?

A. Yes, sir.

Q. And that is the death certificate ?

A. Yes, sir.

Q. And to whom ?

A. To Dr. Waring. She asked me to please send for it at noon the next day---

Objected to.

Q. Was the certificate sent for to your knowledge?

A. Yes, sir.

Q. And was brought back?

A. He told me he had delivered it.

Q. Do you know?

A. Only hearsay, that he told me that he had not delivered it.

J O H N W A R D called as a witness on behalf of the prosecution, having been duly sworn, testified as follows:-

DIRECT EXAMINATION BY COL: FELLOWES.

Q. What is your name?

A. John Ward.

Q. You are a brother of the lady who has just left the witness stand?

A. Yes, sir.

Q. Where was you living in the latter part of April or the 1st. of May of this year?

A. 410 West 47th. street.

Q. Did you know the premises occupied by Mrs. Nelson?

A. Yes, sir.

Q. Did you see a person there called Alice Clinton?

Q. No, sir.

Q. Did you at any time go of errands for the parties who occupied those apartments?

A. When Alice Clinton ~~him~~ died I said I would run any errands they wanted me.

Q. And did you go of an errand?

A. Yes, sir.

Q. Did you call upon the defendant who is now here?

A. Yes, sir.

Q. Where?

+ A. Down at his office; I think it is in 17th. street.

Q. And at what time?

A. Well, I called down about two hours after ~~in~~ she died to notify him.

Q. That was the night of the 3rd.?

A. Yes, sir; and then the next day I went down ~~with~~ <sup>for</sup> the certificate.

Q. You went down for the certificate?

A. Yes, sir.

Q. From whom?

A. Dr. Waring.

Q. Did you see him write it?

+ A. No, sir; he went in a back room and brought it out to me.

Q. Came back with something?

A. Yes, sir.

Q. And gave it to you?

A. Yes, sir.

Q. What did he say?

A. When he gave it to me he told me to bring it down to the undertakers and I told him I was not going down there, and ~~that~~ he told me not to tell anybody to open it.

Q. Was it in an envelope?

A. Yes, sir.

Q. And sealed?

A. Yes, sir.

Q. What did you do with the certificate?

A. I brought it up and gave it to Mrs. Morse.

Mr. Livingston. I object to the form of the question.

Q. What did you do with the paper he gave you?

— A. The paper he gave me I gave to Mrs. Morse.

Q. Did you see it afterwards?

A. Yes, sir.

Q. Was it opened?

A. Yes, sir.

Q. You saw it?

A. A death certificate.

Q. I show you a paper; take the paper and examine it, examine that paper. I call your attention to it and I ask you to

state whether that is the paper ?

A. I could not say whether it was or not.

Q. Was it similar to that ?

A. Yes, sir; I just had a glance at it.

Q. And that paper whatever it <sup>was</sup> purported to be a death certificate you received from him ?

A. Yes, sir.

Q. In a sealed envelope ?

A. Yes, sir.

Q. And with instructions to tell everybody not to open it ?

A. Yes, sir.

Q. And you did take it to Mrs. Morse ?

A. Yes, sir.

Q. And it was there opened ?

A. Yes, sir.

CROSS EXAMINED:- BY MR LIVINGSTON.

Q. And you cannot identify that as the paper which was taken out of the envelope ?

A. No, sir.

PATRICK J. SIMPSON called as a witness on behalf of the prosecution, having been duly sworn, testified as follows:- DIRECT EXAMINATION BY COL: FELLOWES.

Q. Did you know Alice Clinton in her lifetime ?

A. Yes, sir; she was my first cousin.

Q. Was she a native of this country ?

A. No, sir; she was born in Ireland.

Q. And when did she come over ?

A. She was here about fifteen years as near as I c n understad

Q. What was her occupation ?

A. Doing housework in general.

Q. She was out at service ?

A. Yes, sir; she was out at service.

Q. When did you learn of her death ?

A. On Wednesday ab about half.past ten o'clock.

Q. And what day of the month was that ?

A. On the 5th. of May.

Q. And that was two days afte r her death ?

A. That was two days after her death.

Q. Prior to the latter part of April, before the latter part

of April and the early part of May had you been advised

of the movements of your cousin ?

A. No, sir; I knew nothing of her; nothing at all concerning her state.

Q. No, I mean did you know where she was living ?

A. Yes, sir; in Madison avenue.

Q. And where in Madison avenue ?

A. In Mr.--I forget the name; it is in the paper there. It was in Madison avenue she lived.

Q. Did you know when she left her place in Madison avenue to go to the place in 47th. street ?

A. No, sir; I did not.

Q. Did you know that your cousin was in any trouble of any sort ?

A. No, sir; I did not.

Q. You say on the 5th. of May you received notice of her death

A. Yes, sir.

Q. From whom ?

A. From a cousin of mine who was keeping house for me.

Q. What did you do when you heard of it ?

A. I went to 454 West 47th. street and when I went there I found her corpse lying there.

Q. Who did you see there ?

A. I saw Mrs. Nelson. She was another second cousin of mine. Mrs. Morse and I looked at the corpse and I asked her why did not Mrs. Nelson tell me about it, she came to my house on the evening when she died. On the 3rd. of May about, I daresay about eight o'clock this Mrs. Nelson came to my house inquiring for another cousin's address down town and I told her I could not tell exactly where she lived, that

she had moved into Hudson street but I did not know the number, but if she went down there she could find where she lived and she left my house without telling me that my cousin was dead and she did not tell me that she was in her house at all.

Q. It was ab out eight o'clock ?

A. Yes, sir.

Q. On the night of the 3rd. of May ?

A. On the night of the 3rd. of May.

Q. That is Mrs. Nelson who has been a witness here ?

A. Yes, sir.

Q. Came to your house ?

A. Yes, sir.

Q. She told you nothing of the fact that your cousin was dead

A. No, sir .

Q. And it was two days after that before you heard of it ?

A. Yes, sir; on Wednesday about half past ten .

Q. You went to the house ?

A. Yes, sir.

Q. And what did you do ?

A. I went to the house and when I found the cousin was laying dead I asked this lady why did not she tell me that the cousin was dead or sick when she was at my house on the



evening before.

Q. ~~Im~~ asked you what you did there ?

A. I went and looked at the corpse and then I got up and went out and went to the station house and made known the facts.

Q. Then it was you who gave the official notice ?

A. Yes, sir.

Q. At the station house ?

A. Yes, sir; the first.

Q. Of the death of your cousin ?

A. Yes, sir.

Q. Up to that time the police authorities had not been communicated with ?

A. Yes, sir. Captain Killelea told me he had heard of it the day before.

Q. The Captain then did what ?

A. The Captain sent me to the Coroner Eidman and when I ~~arrived~~ arrived there he had gone to the place, up to the house.

Q. When you got to the coroner's office you found the Coroner had heard of the case and had gone ?

A. Exactly.

Q. That was what time in the day, of the 5th. ?

A. That was between twelve and one, I think; I think about one o'clock.

Q. Did you attend your cousin's Burial ?

A. Yes, sir.

Q. Where was she buried ?

A. In Calvary.

Q. And the Alice Clinton whom you saw dead in this house 454 West 47th. street and in the basement of the house, you also saw buried in Calvary cemetery ?

A. Yes, sir.

CROSS EXAMINED:- By Mr. Livingston.

Q. Alice Clinton was your first cousin ?

A. Yes, sir.

Q. Did you ever know anything about her ~~marriage~~ having an illegitimate child about five years before ?

A. Yes, sir; I heard of it. I was not there at the time. I had gone away.

Q. You testified to that fact before the Coroner ?

A. Yes, sir.

KATE LOUISE MORSE called as a witness on behalf of the prosecution, having been duly sworn, testified as follows:- DIRECT EXAMINATION BY MR. FELLOWES.

Q. Where do you reside ?

A. 32 Laight street.

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Q. You are a married woman ?

A. Yes, sir.

Q. Did you know Alice Clinton in her lifetime ?

A. Since she was a child.

Q. Did you know what her ~~mom~~ occupation was and where she was living just prior to her death ?

A. Yes, sir.

Q. And what was it ?

A. She was a chamber maid in the family of Mr. Best on Madison avenue.

Q. And how long had she lived there ?

A. I could not exactly state the time.

Q. Do you know when she went to 454 West 47th. street.

A. Nothing but from hearsay.

Q. Did you see her there either alive or dead ?

A. Not until she was dead.

Q. You saw her there dead ?

A. Yes, sir.

Q. And when ?

A. It was about a quarter past ten o'clock.

Q. When ?

A. In the night.

Q. The day of her death ?

A. Yes, sir.

Q. That was the third of May ?

A. Yes, sir.

Q. Who was present when you was there at that hour ?

A. Her cousin Miss . came with me to the house.

Q. Either that night or on the following day did you see this young lad Ward, who had been a witness here ?

A. Yes, sir.

Q. And did he go of any errand in connection with the death of Alice Clinton ?

A. Well, he brought me the death certificate.

Q. In what form ?

A. In envelope form .

X Q. Sealed ?

X A. No, sir; it was not sealed; yes, sir; it was tucked with a little-----.

Q. Addressed to who ?

A. Addressed to the undertaker personally.

Q. Was the writing on the envelope ?

A. Yes, sir.

Q. Did you open that ?

A. Yes, sir.

Q. And what did it contain ?

A. It contained the death certificate of Alice Clinton signed by Dr. H. Bennett.

Q. I show you a paper . just take the whole document in your hand and ask you to look at that paper now shown you and state whether or not it is the paper which you received from young Ward ?

A. Yes, sir.

Q. And just as you see it now was it filled up then ?

A. Well, I could not----Yes, I think it was because I instructed the doctor in the morning.

Q. So then you know it is the same document ?

A. Yes, sir I know it is the document.

Q. And you recognise that as the document ?

A. Yes, sir.

Col. Fellowes. I offer it in evidence.

Mr. Livingston. Same objection.

Paper admitted. Exception.

Read in evidence.

CROSS EXAMINED:- By Mr. Livingston.

Q. By what do you identify that certificate ?

A. By the writing and the reading both.

Q. Tell us something of the contents of it ?

A. There was a blot on the paper there on the top that I remarked when I opened it.

Q. You positively identify that as the paper which you took from the envelope ?

A. Yes, sir.

Q. You did not take anything else from the envelope and the first time you saw that paper was when you took it out of that envelope?

A. Yes, sir; that was the first time I ever saw it.

Q. What kind of a house is this ~~place~~ place where Alice Clinton died?

A. I cannot tell you anything at all about the house except it is a tenement house. I have never been in the house except a couple of times.

Col. Fellowes. The People rest.

FREDERICK W. L. WARING, the defendant, called in his own behalf, having been duly sworn, testified as follows:- DIRECT EXAMINATION BY Mr. LIVINGSTON.

Q. You are charged here with a very grave crime, of having committed an abortion on one Alice Clinton and I now want you to tell the Jury what connection you had with Alice Clinton what you treated her for, what your course of treatment was and the prescription which you gave her and everything that you know in regard to the life and death of Alice Clinton?

A. Well, there was a note came to my office to see this Alice Clinton, but it was on Sunday, it was the 28th. I think of April the first time.

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of April, the first time as well as the dates as I have in my memory. I got a note and she was living at the place where she was staying in 47th. street and I went to see her. She complained to me when I went into the house and I saw her, and she told me in the first place that she had received a blow some time ago and while attending to her duties as a servant and that she felt her back strained and had been suffering from this and had been to see several doctors before she called to see me, she had been to see several. Then I asked why, in what way she hurt herself and she told me that she had slipped either off a ladder or step I am not quite certain; it was one or the other. She hurt herself and ever since then she had complained of the pain in her side, pointing over her heart. I examined it with a stethoscope and I found it beating very rapidly and then I went on to inquire into the circumstances of the case and I asked her about whether she was over worked or not and she said she had not been very much over worked. I asked her as a natural thing as a physician, I asked her if she was regularly unwell. She told me that she had been unwell about a month before that, somewhere around that neighborhood and that after this strain which she got, this fall that she got, that her changes came on immediately with a flowing. Then I asked her if it was

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all right now at the present time and she said yes she was all right that way and this was all professional and private. There was no one in the room because when a physician goes into the room of a patient it is usual for him to have a private ~~maximum~~ examination. Then I prescribed for her. She told me that she had been taking iron, that it was a good thing and that the other doctors had prescribed it. I said I thought it was a good treatment, as good as could be and to continue to go on because it was a good tonic, a blood tonic and she said she was taking quinine and iron. She told me she had sleepless nights and I ordered a draft with morphine and chloral hydrate and to those she got as my prescription shows. She never told me anything about that she had committed abortion, or that she was in the way of being--that she was pregnant in any respect. She seemed to me quite a modest girl and when she told me that her flow had stopped and that it was all right with regard to her changes I never spoke further about the matter. I examined her and she always complained about a pain in her shoulder and back and she complained of that beside to some of the witnesses too, to Mrs. Nelson she heard her complain of that pain in the back and I told her to keep on her good treatment. I told her to take plenty of milk and eggs and a little whiskey to keep her



up and this quinine tonics and with morphia to sleep at night and that was the only treatment and the last bottle I gave her was a

was in and two or three roots like that. I never treated her for abortion in any manner, way or shape whatever.

Q. Did you ever commit an abortion on her ?

A. No, sir; I never did.

Q. Now, in regard to this certificate; what was in the note, the envelope, the sealed envelope when you gave it to the boy ?

A. When she died so suddenly I thought it was an extraordinary thing that she should die so suddenly and I went to Dr. Bennett that night and asked him the question what he thought that woman died of. He said it must be heart disease and I then made the remark that it must have been heart disease to have her go off so fast as she did.

Q. How did she die ?

A. I was not present when she died. From the diagnosis that I had made of her case, the general debility of her constitution it was perfectly apparent; her lips were perfectly bloodless and from her symptoms that she had complained of I thought that naturally the woman had heart disease and that she dropped from that. I asked Dr. Bennett that-- I said to him "You saw that woman last" He said he did

but she was dying when he was called to see her and it was then that I asked him what was the matter and he said it must have been heart disease . Well, I asked him if he would sign a certificate with me and he said no he would not. Well, said I, I was going out, I said I must see further about this. About that letter to the coroner----

Q. (Inter upting). Have you got through with your story about how you treated her ?

A. Yes, sir.

Q. I now show you and hand you the certificate which has been offered in evidence here under my objection signed by the name of H. H. Bennett. They say that that came in a sealed envelope from your house; it is not alleged you wrote it; they say it came from your house; is that so ?

A. No.

Q. When were you first notified that this certificate was in existence ?

A. After I was arrested.

C R O S S E X A M I N E D :- By Col. FELLOWES.

Q. How long have you been a physician ?

A. Well, I have been studying medicine in the old Country and in this country-----.

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Q. (Interrupting). How long have you been a physician, was my question ?

A. Well, about six years.

Q. Regularly admitted to practice ?

A. When I came here I was under a third examination by Dr. Loomis. Yes, sir. I was; I was in the department of Charity and Correction.

Q. I asked you a very simple question and please confine yourself to the questions. Are you regularly admitted to practice ?

A. Certainly.

Q. Was you admitted to practice as a physician ?

A. Yes, sir.

Q. Through what school ?

A. Through the school that I went through in Ireland.

Q. What was it ?

A. The Dublin University.

Q. And your name appears upon the rolls of that University ?

A. I studied medicine in that University.

Q. That is not my question. I asked you if your name appears as a physician on the rolls of that University having been authorised by that University to practice ?

A. Well, I studied medicine as I told you and I came to this country I was-----.

Q. (Interrupting)%, I know you came to this country. If you will keep yourself in Ireland for a time ?

A. I never practiced in Ireland.

Q. Did you receive any diploma ?

A. Not there.

Q. From any College, from any Society of Physicians in Europe?

A. Well, no, I did not.

Q. Then when you came to this country you had no authorisation to practice ?

A. No, no regular authorisation.

Q. Where did you get it here ?

A. I got it here when I came to this country first, if you will allow me to explain I will do so. It was this way. I came to this Country. I was going through the Institutions to see the sights as a person will say and I happened to go over on Blackwell's Island and was speaking to some of the physicians there and I happened to mention the subject that I had studied medicine in the old country. Well, they said one of them asked me if I thought I would be able to pass an examination and I said, yes, certainly and I went before the Department of Charity and passed the examination before Dr. Loomis and took the position of surgeon there on Blackwell's Island which I held for over a year.

Q. Have you any diploma or authorisation from any school of

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... medicine in this City or this Country ?

A. I did not think it was necessary.

Q. Have you, is the question ?

A. Well, I don't know that I have, but I will tell you what I have.

Q. What have you ?

A. When I went over there they told me it was necessary to send my name in for registration. I sent my name, I gave it in with other surgeons who were there in the Institution on Blackwell's Island and I got in return a book with my name printed in it and under that I consider I was an admitted physician of the City of New York. I can show you that book.

Q. (By Mr. Livingston). Have you got that book with you ?

A. Yes, sir.

Q. Let us see that book. You understand from your connection with a public institution here, you understand the terms upon which applicants for degrees in medicine are admitted to practice ?

A. Well, I don't exactly understand your laws here. I never had anything to do with them until this present case.

Q. You knew from your experience as a student in Ireland that within the kingdom of Great Britain a person studying medicine could not practice medicine without having received

an authorisation from some graduating school, did you not?

A. In Great Britain and Ireland, but that is not America.

Q. I am talking about Great Britain and Ireland; don't you know that one could not practice there without such an authorisation?

A. Yes, sir.

Q. Don't you know that it could not be done here?

A. I did not know anything--- I was a perfect stranger here.

Q. I ask you if you know?

A. No, sir; I don't know it.

Q. You have not found out that persons to be admitted to practice here must go through some regularly authorised schools?

A. No, sir; I did not.

Q. Then from such a school you have never received any diploma authorising you to practice?

A. From what school here?

A. From any school?

A. Except what I showed you there.

Q. You was taken in as an aid in the public institutions on Blackwell's Island because you had studied medicine?

A. I was taken in as a surgeon and as such I was assigned.

Q. But you was paid a salary?

A. Yes, sir.

Q. By the Commissioners of Charities and Corrections?

A. Yes, sir.

Q. And with the exception of the examination you underwent before the Commissioners of Charities ~~mm~~ and Corrections you never underwent any examination here ?

A. The examination I underwent here was by the examining Board appointed by the Department of Charities and Corrections.

Q. You went before the Department of Charities and Correction in an examination for the purpose of qualifying you for the position ?

A. As a surgeon.

Q. On the Island ?

A. As a surgeon; yes, sir.

Q. Now beyond that you have no authorisation to practice medicine have you ?

A. No.

Q. Have you an office in this City ?

A. I had.

Q. Where ?

A. 417 West 33rd. street.

Q. Was you ever called in consultation with any physicians in this City ?

A. Certainly.

Q. Where and with whom ?

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A. I have been called with several. Upon my word I could not think of them now. I have been called with several and I have called in several myself but I could not think of any of them now.

Q. Did you ever know a person named Lizzie Henry ?

A. I saw her down before the Coroner's inquiry here. I never knew her before that.

Q. You saw her there, a person who went by that name ?

A. Yes, sir.

Q. Do you mean to say that you had never seen her before that time ?

A. Not to my knowledge.

Q. Had you ever <sup>visited</sup> ~~known~~ the house 454 West 47th. street before you went there to see this girl, to see Alice Clinton ?

A. No, sir; I never did.

Q. You know the house in which Alice Clinton was ?

A. Yes, sir.

Q. When you attended her ?

A. Yes, sir.

Q. Had you ever been in that house before you went to see Alice Clinton ?

A. Not to my knowledge.

Q. If you had been there before you would have known it ?

A. I think so.



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Q. Did you ever go to that house ?

A. I don't remember it, honestly I don't.

Q. Was you ever called in the house by Alice Clinton or by this girl Lizzie Henry or by a woman who occupied that house to procure an abortion prior to Alice Clinton's coming there ?

A. No, sir.

Q. And that is as true as anything you have said here ?

A. That I was ?

Q. I asked you if your statement that you was never called there for that purpose is as true as anything ~~the~~ else you have stated here ?

A. Yes, sir; it is.

Q. Did you ever visit Lizzie Henry or the person you recognised as Lizzie Henry at any time in her life for the purpose of procuring an abortion upon her ?

A. No, sir.

Q. Dr. or Mr. Waring you have said that you received a note from somebody asking you to call on Alice Clinton ?

A. Yes, sir.

Q. Where is that note ?

A. I could not tell you. I just took and tore it up.

Q. Do you remember the contents of that letter ?

A. It was just call and see Alice Clinton such a number.

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Q. Do you know either of the women who have been here in Court to day, Mrs. Nelson or Mrs. Burns ?

A. Yes, sir; I have seen them up in M Alice Clinton's house, in the same house.

Q. In the apartments occupied by Alice Clinton ?

A. Yes, sir.

Q. Never seen them before that ?

A. Never to my knowledge.

Q. Did any of those parties ever come with Alice Clinton to your office ?

A. No, sir.

Q. Never did ?

A. No, sir.

Q. Then up to the time you called at these apartments 454 West 47th. street, you had never seen Alice Clinton ?

A. No, sir.

Q. What fee did you receive ?

A. To tell the honest truth I was paid for only two visits.

Q. What fee did you receive ?

A. I think three dollars; two or three dollars.

Q. And that was all ?

A. That was all.

Q. Now, I ask you to give to the Jury as near as you can the contents of that note which you say called you to see.

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Alice Clinton ?

A. The contents of that note was just , please call at 47th. street and the number of the house was 454, well, to see Alice Clinton , to see her professionally.

Q. How was it signed ?

A. Miss Clinton, I think it was.

Q. Have you any idea, Mr. Waring, how Alice Clinton became possessed of the knowledge ~~and then~~ that you was a practitioner of medicine ?

A. No, sir.

Q. Do you know that Lizzie Henry is a second cousin of Alice Clinton ?

A. So I have seen in evidence.

Q. You had not had a large practice in the City of New York ?

A. I was only, you may say, beginning.

Q. Your practice has not been extensive ?

A. Well, I had just a nice practice; sufficient to support myself.

Q. And you cannot tell how it was that this servant girl found your address and sent for you ?

A. Well, I have not any idea. I have often been called to see strangers without having anything of that kind.

Q. Did you ever have any conversation with your patient about

that matter; with Alice Clinton ?

A. About what matter ?

Q. About the matter of calling you ? Did Alice Clinton ever tell you how it was that she ever came to call you as her doctor ?

A. She said she had heard of me as being a good doctor.

Q. Did she say from whom ?

A. No, sir.

Q. Did not she mention that she had heard from Lizzie Henry ?

A. No, sir.

Q. Did not that letter which you received on Saturday night asking you to call Sunday morning contain twenty-five dollars ?

A. Indeed it did not.

Q. And tell you that you was wanted to perform the same operation that you had done for her cousin ?

A. Indedd upon my word it did not, because I never performed an abortion.

Q. Are you in the hanbit of destroying your letters ?

A. Certainly a little piece of paper like that.

Q. How long was you engaged with the Public Institutions here?

A. Over a year.

Q. That familiarised you with the practice, at least ?

A. Yes, sir; and that is the way I made quite a number of

friends in New York.

Q. You knew the necessity of filing with the Health Department a death certificate ?

A. Certainly.

Q. Where is the death certificate you filed in the case of Alice Clinton ?

A. I filed no death certificate.

Q. Why not ?

A. Well, sir, the reason it was this. In the first place when Mr. Bennett, or Dr. Bennett, excuse me, when I called on him and he said that he refused to sign that certificate, well I thought to myself there is something extraordinary about this girl dying, and so then I spoke to him about heart disease and he said it must be certainly heart disease of which she died and so I told the people in the house to call the next day and I would see about that certificate.

Q. Well?

A. I would see about it. A boy came to me .

Q. Did you see about it ?

A. Yes, sir; I saw about it. I asked who the undertaker was and I wrote a note to him which I enclosed in an envelope and told the boy to take it to that undertaker and no one

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else because I wanted the undertaker to come to me and these people being strangers to me I wanted to find out from the undertaker because the boy told me what he knew about the circumstances of the family.

Q. You knew enough about medicine and of its practice here to know that it is a misdemeanor for which a practitioner is liable to indictment and imprisonment to permit a body to be interred without a certificate ?

A. Yes, sir.

Q. You did permit that to be done in that case ?

A. No, sir; because-----

Q. Where is the certificate that you gave ?

A. I did not give a certificate.

Q. Then you did permit that body ---.

A. (Interrupting). No, I did not because I was arrested the next day.

Q. You did permit that body to be buried without filing a certificate ?

A. No, sir; because I expected that undertaker to come to me and speak to me about it.

Q. I ask you for the fact; was that body buried without there being a death certificate filed by you ?

A. Why I don't understand how you put the question. You ask me if I gave a death certificate to that body. I did not

give a death certificate.

Q. Then the body was buried without any certificate from you; it was not the post mortem examination that killed her ?

A? No, sir.

Q. And you gave no certificate as to the cause of her death ?

A. No, sir.

Q. You knew that it was a misdemeanor for a practitioner to do that ?

A. Yes, sir; but will you allow me to explain. I wrote that note to the undertaker expecting that he would come up to me and speak to me before I had written out a proper certificate for the body.

Q. He did not come ?

A. No, sir; and the next morning I was arrested.

Q. And what day was that on which you was arrested ?

A. M Upon my word and honor the date, I would not be certain of the date. really.

Q. (By Mr. Livingston). She died on the 3rd.

A. I think it was on the Tuesday. I would not be positive on my oath of that.

Q. And do you know what day of the week the third of May fell on on which she died ?

A. On Monday, I think it was.

Q. And you say you was arrested the M 4th. ?

A. It is six months ago since I was arrested. I am not certain. I would not like to be certain as to the date because it is six months ago.

Q. Now, let us see; this woman died about six o'clock at night?

A. Yes, sir.

Q. And it was not until the following day that this young boy called at your office?

A. Yes, sir.

Q. That was the day after Alice Clinton died?

A. Yes, sir.

Q. And it was not until the following day that you was arrested

A. ~~Yes, sir.~~ No.

Q. Then it was not the 4th. that you was arrested; Alice Clinton died on the 3rd.

A. Well, it was the 5th. then.

Q. And don't you know that Alice Clinton was buried that day?

A. I don't know anything about it; I am not sure of the date of the time I was arrested at all. I didnot look at the date at all. I didnot bother my head; I was put out about it.

Q. Have you ever had a patient in the City of New York receive treatment at your hands that has died and have you ever filed a certificate of health in this City?



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A. Yes, sir; I have.

Q. When?

A. Well, I had one that died--there was one man that died by the name of John Ryan from Child's Building and that was about--somewhere about a year and a half ago and there was no difficulty about my signing in my signing in my own name the certificate whatever, m it was taken.

Q. And you did send in a certificate?

A. Yes, sir.

Q. You did not wait until the undertaker came to converse with you?

A. Gave the certificate to the wife.

Q. What did you understand this young man Ward had come to your office for on the 4th. of May?

A. I knew that he had come about the certificate because I told him that he was to come down to my office for me to see after the certificate that day.

Q. You have heard his testimony?

A. Yes, sir; that he received an envelope with a note in it.

Q. That you went in the back office and wrote something?

A. Yes, sir.

Q. That you brought it to him in an envelope closed?

A. Yes, sir.

Q. With directions to give it to the undertaker and nobody

else ?

A. Yes, sir.

Q. And if there was any trouble about it to come back to you; that he took that envelope and delivered it just as he got it from you to that lady Mrs. Morse and you have heard her testify that she opened that envelope and found that certificate and identified it; do you say now that that certificate was not written by you ?

A. I say that that certificate there was not written by me.

Q. You have no idea who obtained that blank form to fill it up ?

A. I told you that that certificate was not written by me.

Q. You have no idea where the blank came from ?

A. How could I tell.

Q. You have no idea where the blank came from ?

A. Well, I suppose it originally came from the Board of Health

Q. And they are given to physicians ?

A. Yes, sir; and to undertakers too.

Q. You think the undertaker was familiar with the life, history, age and so forth of this girl ?

A. Well, I really would not like to take my oath to that, sir.

Q. Is that your signature ?

A. That is my signature.

Q. Written by yourself ?

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A. Yes, sir.

Q. While you are upon the witness stand will you compare that signature with the body of that certificate and tell me whether or not you detect any resemblance?

A. No, I cannot say I do. Wait now for a moment until I look through the whole of it. No, not anything that you call particular resemblance because some handwritings are so much alike that you can hardly distinguish them.

Q. Is this one of the instances of that kind?

A. I don't see anything about it. I am not a very good judge of handwriting.

Q. Did you hear Dr. Bennett's testimony?

A. Yes, sir.

Q. This morning?

A. Yes.

Q. Was it true or false?

A. His testimony?

Q. Yes?

A. Well, it was true except that <sup>you</sup> ~~him~~ did not ask him whether I inquired---.

Q. We went go into what I did not ask him. I am asking you as to whether what he testified to was true or false?

Objected to.

Q. As to what he testified to?

The Court. That takes in all his testimony.

The Witness. If he would ask me one question at a time.

Q. Did you hear his testimony that you called upon him the night of Alice Clinton's death with the request that he should sign a certificate which he refused to do?

A. With regard to my asking him to sign a certificate ----.

Q. I don't want to go into that; I am asking you if that statement of Dr. Bennett's was true or false?

A. I said to him-----.

Q. I don't care what you said to him. Dr. Bennett testified this morning that <sup>you</sup> ~~he~~ called on him that night and asked him to sign a certificate; was that statement of Dr. Bennett's true or false?

A. That part was true, certainly.

Q. Was it true that he told you that he knew nothing whatever about the cause of death?

A. He said he thought it was heart disease.

Q. Was that statement of his that he told you that he knew nothing whatever about the ~~reason~~ cause of her death, true or false?

A. Why? Have not I explained it before? I told you exactly what I said, what occurred in his office.

Q. Did you hear what he said this morning as a witness and

I am asking you to characterise his testimony ?

A. I am doing it to the best of my ability.

Q. He said that he told you that he would not give a certificate because he knew nothing about the cause of her death; did he tell you that ?

A. Afterwards he did, but first he said when I asked him--if you will allow me to explain. When I asked him if he would give a certificate if I signed my name, he said yes, and then he recalled that statement and said he would not.

Q. Now if you will try to get it into your head that I am not talking about what you said to him; confine your attention to what Dr. Bennett said on the stand this morning and ask you about it. I ask you again, did Dr. Bennett that night that Alice Clinton died tell you in his own office that he knew nothing about the cause of her death and would make no statement of any kind respecting it ?

A. He did not use those words to my knowledge.

Q. Did he say that in substance ?

A. Well, I may have repeated the substance of what he did say and that is all I can say about the matter, so far as I know he said that he thought the cause of her death was heart disease.

Q. You have spoken of certain prescriptions ?

A. They are there for you to see.

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Q. Do you know when they are dated ?

A. The dates are on them.

Q. When did you give Alice Clinton her first prescription to be sent to the druggists; was it the first day you visited her ?

A. The dates are on them.

Q. Was it on the first day that you visited Alice Clinton; did you then give her any prescription for medicine ?

A. Either the first or second.

Q. Was not the first prescription that you gave her the second day that you visited her ?

A. Suppose it was the second day ?

Q. I am not discussing the question ?

A. Yes, it must have been.

Q. Was it ?

A. I would not be certain.

Q. Don't you know as a matter of fact that you gave her no prescription on the first day ?

Objected to because the prescriptions will speak for themselves.

Q. Do you remember it ? Don't you know as a matter of personal knowledge that you did not give Alice Clinton a prescription the first day you visited her ?

A. Do you say do I know, or remember ?

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Q. Don't you know ?

A. You asked me first did not I remember.

Q. I ask you don't you know you did not give her a prescription the first day ?

A. I cannot say that I did or did not now.

Q. Now, on the second day that you visited Alice Clinton and all subsequent days, was Mrs. Nelson present at times ?

A. The first day s he was present.

Q. She was present at times ?

A. Why when I was there she was there.

Q. She was in the room with you ?

A. Well, the room there was open; it was between the two rooms.

Q. Then she was at various times during Alice Clinton's sickness in the room while you was there as a physician ?

A. Yes, sir.

Q. And was that Mrs. Burns ?

A. I cannot say; I did not count how many were there. One of them was there all the time.

Q. Anybody there the first time ?

A. The first time I was there I was talking to her professionally and I told them to go out of the room while I was asking the lady the symptoms of her case and any physician will do that.

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Q. It is testified to by Mrs. Nelson that Alice Clinton came to her house on the 25th. of April and that you visited her on Sunday morning, the 26th. of April. I wish you would look over those prescriptions and state whether or not they are yours for medicines given to Alice Clinton ?

A. Yes, sir; this is one of mine; it is capsules of quinine. I may just say that there was nothing of an abortive nature in them.

Q. Just look over them ?

A. Yes, sir. they are mine.

Q. Now yourself and your counsel have asserted that those prescriptions would show the dates on which they were given. Just tell us from those prescriptions what those dates were on which those prescriptions were given ?

A. Well, I most generally put the dates here myself; they are put down in the drug store.

Q. (By Mr. Livingston). You did not date them ?

A. Not myself personally. They are dated there.

Q. Now, I ask you again when you gave the first prescription to Alice Clinton ?

A. Let me see that first prescription .

Q. There it is (handing it to the witness) ?

A. Well, I am not positive whether it was the first or second day after I attended Alice Clinton or not that I gave her



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these capsules. I am not certain about that.

Q. You are familiar with diseases for which those medicines are remedies ?

A. Certainly.

Q. You think, Mr. Waring, that a patient in your presence could suffer a week, for more than a week, for ten days from the effects of an abortion, the womb at the time of her death still containing some portions of the foetus and you, as her attending physician not discover it ?

A. Certainly if she misrepresents her case. She was of an irritable disposition and she was very nervous about her-- in regard to her strength and always talked about herself.

Q. Do you know of what she died; do you know now ?

A. I have seen it stated.

Q. Of blood poisoning ?

A. Yes, sir. I did not make the post-mortem examination. I have seen it stated. I don't say I know.

Q. Tell me if blood poisoning works its course within a few moments ?

A. Are you going to examine me as a physician ?

Q. I have asked you that question ?

A. Blood poisoning is such a thing that its course is very irregular. Sometimes it takes a very long time and other times it is quite sudden.

Q. You think blood poisoning could have existed in a patient that for ten days was under your direct care and you not have discovered it ?

A. Yes, sir; when she purposely misled me.

Q. Did you treat her for heart disease ?

A. I treated her for general debility.

Q. Did you treat her for heart disease ?

A. Yes; certainly. For palpitation of the heart; it was quite a palpitation there.

Q. These remedies are many of them for the purpose of alaying fever ?

A. Quinine is used for different sorts of fever; for malarial it is for the purpose of breaking it up.

Q. What were these prescriptions used for ?

A. The quinine was used to strengthen her and it was to break down those chills and fever of which she complained. She told me she suffered from this for a long time and I gave her quinine in those doses there and afterwards when she used not to sleep by night I gave her the chloral and bromide with a little tincture of                      mixed through it.

S I M P S O N recalled:- By Mr. Livingston.

Q. What if anything had Mrs. Morse to do with Mrs. Burns and Mrs. Nelson; do you know whether they were acquainted ?

**POOR QUALITY  
ORIGINAL**

0552

A. Yes, I know they were acquainted.

Q. Do you remember testifying before the Coroner's jury ?

A. Yes, sir.

Q. Did Mrs. Burns, Jane Nelson, ever tell you ~~when~~ when you went to the house where Alice Clinton was laid out that you could take the corpse on your back if you wanted to ?

A. Yes, sir; the first visit I went there; that was the first night.

Q. And now you make this statement as regards Mrs. Burns and Jane Nelson, that they kept a house of assignation for a number of years back, it being a head quarters for domestics if they wanted to have a good time and that they kept Alice Clinton under the influence of intoxicating drugs for weeks at a time ?

A. Yes, sir.

Q. (By Col. Fellowes). That was in that house ?

A. No, sir; but in other houses where they lived before.

Q. The same parties ?

A. Yes, sir.

Testimony all in.

POOR QUALITY  
ORIGINAL

0553

Oyer & Tinner

The People

J. W. L. Moring

Stenographers' Transcript.

N. Y. Nov 10/06

R. A. Livingston Esq

40 Warren Street

COTTER & STANDFAST,

Stenographers,

676

Law Telephone,

Simple Court

200 Broadway, N. Y.

Court of Commodities

3

Court of General Sessions of the Peace, of  
the City and County of New York.

The People of the State  
of New York,  
against  
Frederica W. S. Waring

The Grand Jury of the City  
and County of New York, by this Indictment  
accuse Frederica W. S. Waring of the crime  
of Manslaughter in the first degree,  
committed as follows:

The said Frederica W. S. Waring  
late of the City of New York, in the County  
of New York, doresaid, on the second day  
of May in the year of our Lord one  
thousand eight hundred and eighty-six,  
at the City and County doresaid, with  
force and arms, did feloniously and wil-  
fully provide, supply and administer to  
one Olive Clinton, who was then and there  
a woman pregnant with child, and did  
feloniously and wilfully prescribe for the  
said Olive Clinton, no means then and there  
pregnant as doresaid, and advise and  
procure her the said Olive Clinton to take,

a certain medicine, drug and substance,  
the name and components thereof, being  
to the said John A. Gore said as not  
unknown, with intent thereby to procure  
the miscarriage of the said Alice Clinton,  
the same not being then and there necessary  
to preserve the life of her, the said Alice  
Clinton; in consequence of which said willful  
and felonious providing, supplying and ad-  
ministering to the said Alice Clinton, the said  
medicine, drug and substance, and of procuring  
the same for her, and administering and procuring  
her to take the same, the said Alice  
Clinton did then and there become mortally  
sick and disordered in her body, and  
afterwards, to wit: on the said day of May  
in the year aforesaid, of the said mortal  
sickness and disorder, so as aforesaid  
occurred, at the City and County aforesaid,  
did die.

And as the said John A. Gore said, do  
say: that the said Frederick W. S. Waring,  
then the said Alice Clinton, in manner  
and form and by the means aforesaid,  
willfully and feloniously did kill and  
slay; against the form of the Statute  
in such case made and provided, and  
against the peace of the State of the  
State of New York, and their dignity.

Second Count:

And the Grand Jury aforesaid, by  
their Indictment aforesaid accuse the said  
Frederick W. S. Waring of the crime of  
Manslaughter in the first degree, committed  
as follows:

The said Frederick W. S. Waring,  
late of the City and County aforesaid, aforesaid,  
wards, to wit: on the said second day of  
May, in the year of our Lord one thousand  
eight hundred and eighty six, at the City  
and County aforesaid, with force and arms,  
did feloniously and unlawfully use and  
employ, and cause to be used and employed,  
in, upon, about and within the words and  
body of one Alice Clinton, who was then  
and there a woman pregnant with child,  
a certain instrument, the name of which  
said instrument is to the Grand Jury  
aforesaid as yet unknown, with intent  
thereby to procure the miscarriage of  
the said Alice Clinton, the <sup>said</sup> use and employ-  
ment of the said instrument in manner  
aforesaid not being then and there necessary  
to preserve the life of the said Alice  
Clinton, in consequence of which said willful  
and felonious use and employing of the

said instrument as aforesaid, the said  
Oliver Clinton then and there became and  
was mortally sick and disordered in  
her body, and afterwards, to wit: on the  
third day of May, in the year aforesaid,  
at the City and County aforesaid, of the  
said mortal sickness and disorder, so  
as aforesaid occasioned, did die.

And so the Grand Jury aforesaid do  
say: That the said Fredericka W. S. Waring,  
then the said Oliver Clinton, in manner  
and form, and by the means aforesaid,  
willfully and feloniously did kill and  
slay: against the form of the Statute  
in such case made and provided, and  
against the peace of the People of the  
State of New York, and their dignity

### Third Count:

And the Grand Jury aforesaid, by  
this Indictment further accuse the said  
Fredericka W. S. Waring of the crime of  
Manslaughter in the first degree, committed  
as follows:

The said Fredericka W. S. Waring,  
late of the City and County aforesaid,



afterwards, to wit: on the said  
 second day of May, in the year of our  
 Lord one thousand eight hundred and  
 eighty six, at the City and County of Gre-  
 nade, with force and arms, did the said  
 and with full power and authority and cause  
 to be made and published, in, upon, about  
 and within the words and tenor of one  
 Alice Clinton, who was then and there  
 a woman of legal age, a certain  
 instrument, to wit: the said instrument  
 is to the said Alice Clinton  
 as yet unknown, with intent that she  
 procure the miscarriage of the said  
 Alice Clinton, the said woman and cause  
 of the said instrument in manner aforesaid,  
 not being then and there necessary to  
 preserve the life of the said Alice Clinton,  
 giving unto her the said Alice Clinton,  
 then and there, with the instrument  
 aforesaid, in and upon the words and  
 tenor of the said Alice Clinton, divers  
 mortal wounds, bruises and lacerations,  
 of which said mortal wounds, bruises  
 and lacerations she the said Alice Clinton  
 afterwards, to wit: on the third day of  
 May, in the year aforesaid, at the City  
 and County of Grenade, did die.

And so the said Alice Clinton

do say: That the said Frederick W. S. Waring,  
then the said Alice Rinton, in manner  
and form, and by the means aforesaid,  
wittingly and feloniously did kill and slay  
against the form of the Statute in such case  
made and provided, and against the  
peace of the People of the State of New  
York, and their dignity.

#### Fourth Count:

And the Grand Jury aforesaid by  
this Indictment further accuse the said  
Frederick W. S. Waring of the crime of  
Manslaughter in the first degree, committed  
as follows:

The said Frederick W. S. Waring,  
late of the City and County aforesaid, do hereby  
do wit: on the day and in the year aforesaid,  
at the City and County aforesaid, with  
force and arms, <sup>and unlawfully</sup> feloniously and  
wittingly <sup>and unlawfully</sup> by certain means, the nature of  
which said means is to the Grand Jury  
aforesaid as yet unknown, in, upon, and  
with the body of one Alice Rinton,  
who was then and there a woman residing  
with said <sup>and unlawfully</sup> intent thereby to procure

The miscarriage of the said Alice Clinton,  
the said use and punishment of the said  
means as I observed not being then and  
where necessary to preserve the life of the  
said Alice Clinton, in consequence of which  
said child and I observed means of the  
said means as I observed, the said  
Alice Clinton then and there became and  
was mortally sick and distressed in  
her body, and of the said mortal sickness  
and distress, as as I observed occasioned,  
afterwards, to wit: on the third day of  
May in the year I observed, at the City  
and County of I observed, did die.

And so the Grand Jury I observed, do  
say: That the said Frederick W. S. Waring,  
then the said Alice Clinton, in manner and  
form and by the means I observed, in-  
fully and feloniously did kill and send  
against the form of the Statute in such  
case made and provided, and against the  
peace of the Peace of the State of New  
York, and their dignity.

Respectfully Submitted,

Frederick W. S. Waring,

056

BOX:

221

FOLDER:

2174

DESCRIPTION:

Watson, George

DATE:

05/14/86



2174

POOR QUALITY  
ORIGINAL

0562

Witnesses

*John H. Bellman*  
*Off. Joseph H. Higgins*  
*Centine Park Hotel*

Counsel,

Filed

14 day of May 1886

Pleads,

Not guilty '7

THE PEOPLE

vs.

R

*George Watson*

Grand Larceny, 2<sup>nd</sup> Degree.  
(From the Person.)  
[Sections 538, 539, Penal Code].

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

*Henry Van Henssden*

Foreman.

*May 21/86*

*Charles G. Gault*

*S. P. 18 months*

Police Court—

14 District.

Affidavit—Larceny.

City and County { ss.:  
of New York, }

John Spellman  
of No. 599 So Boulevard or 133 Street, aged 21 years,  
occupation Carpenter being duly sworn  
deposes and says, that on the 9 day of May 1888 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property viz :

One silver watch of the value  
of eight dollars

the property of Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by George Watson now here

from the fact that said Watson  
approached deponent and took  
said watch from deponent's  
person and that deponent  
caught said Watson with  
said watch in his (Watson's)  
hand

John Spellman

Sworn to before me this

day

of

1888

Charles F. Smith  
Police Justice.

POOR QUALITY  
ORIGINAL

0564

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

*George Watson* being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

*George Watson*

Question. How old are you?

Answer.

*52 years*

Question. Where were you born?

Answer.

*W*

Question. Where do you live, and how long have you resided there?

Answer.

*125 Chatham St. 2 days*

Question. What is your business or profession?

Answer.

*Barber*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

*I am not guilty  
George Watson*

Taken before me this

day of

1888

Police Justice.

POOR QUALITY  
ORIGINAL

0569

BAILED,

No. 1, by

Residence

Street

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

Police Court

District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John M. Haller

vs. No. 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

George M. Haller



Offence Ransom  
the person

Dated

188

Magistrate

Joseph M. Haller

Preinct.

Witnesses

No.

Street

No.

Street

No.

Street

\$1000 to answer

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Byeendank

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Ten Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated May 10 188 Andrew J. Haller Police Justice.

I have admitted the above-named \_\_\_\_\_  
to bail to answer by the undertaking hereto annexed.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_  
guilty of the offence within mentioned, I order he to be discharged.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Figoraz Watson*

The Grand Jury of the City and County of New York, by this indictment, accuse

*- Figoraz Watson -*

of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *Figoraz Watson*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the  
*ninth* day of *March*, in the year of our Lord one thousand  
eight hundred and eighty-*six*, in the *day* time of the said day, at the Ward, City and  
County aforesaid, with force and arms,

*one watch of the value of eight*

*dollars.*

of the goods, chattels and personal property of one *John D. Palmer*, -  
on the person of the said *John D. Palmer*, -  
then and there being found, from the person of the said *John D. Palmer*, -  
then and there feloniously did steal, take and carry away, against the form of the statute in such case made  
and provided, and against the peace of the People of the State of New York and their dignity.

*Randolph M. Martin,*

*District Attorney*